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Washington, Friday, April 27, 1945

The President

EXECUTIVE ORDER 9542

AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND TO OPERATE THE PLANTS AND FACILITIES OF THE UNITED ENGINEERING COMPANY, LTD., LOCATED AT SAN FRANCISCO, CALIFORNIA

WHEREAS, after investigation I find and proclaim that the plants and facilities of the United Engineering Company, Ltd., located at San Francisco, California, are equipped for the production, sale, and distribution of products and services which are required for the war effort or which are useful in connection therewith; that there are existing or threatened interruptions of the operation of such plants and facilities as a result of strikes, threatened strikes, and other labor disturbances arising from the failure of Lodge No. 68 International Association of Machinists (AFL) to comply with directive orders of the National War Labor Board dated March 23, 1945, and March 28, 1945; that the war effort will be unduly impeded or delayed by such interruptions, and that the exercise, as hereinafter specified, of the power and authority vested in me is necessary to insure the operation of such plants and facilities in the interest of the war effort:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is authorized and directed to take possession of all, or such part or parts as he deems necessary or desirable, of the main office and machine shops at 298 Steuart Street, San Francisco, California, and such piers and other property as may be leased or otherwise contracted for in connection with the operation of such main office and machine shops, all of United Engineering Company, Ltd., San Francisco, California, and to use and operate or arrange for the use and operation of such plants and facilities and property in any manner that he deems will facilitate the prosecution of the war.

2. In furtherance of the purposes of this order, the Secretary of the Navy is authorized to select and hire such employees and agents as he deems necessary and suitable to carry out the provisions of this order; to exercise any contractual or other rights of the same company incident to the operation of the said plants, facilities, or property or the production, sale, and distribution of the company's products; and to do any and all other things that he may deem necessary or desirable for, or incidental to, the use and operation of the said plants, facilities, and property, or the production, sale, and distribution of the products and services thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

3. The Secretary of the Navy shall operate the plants, facilities, and property mentioned herein pursuant to the provisions of the War Labor Disputes Act and under the terms and conditions of employment which are lawfully in effect at the time possession of such plants, facilities, and property is taken under this order, subject to the provisions of section 5 of the War Labor Disputes Act, and during his operation of said plants, facilities, and property shall observe the terms and conditions of the directive orders of the National War Labor Board dated March 23, 1945, and March 28, 1945.

4. The Secretary of the Navy shall permit, upon such terms and conditions as he deems advisable, the management of the plants, facilities, and property taken under this order to continue its managerial functions to the maximum degree possible consistent with the purposes of this order.

5. The Secretary of the Navy is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for, and prevent interference with, the plants, facilities, and property taken under this order and all persons employed or seeking employment therein, and he is further authorized to take such appropriate disciplinary action, not inconsistent with law, as may

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FEDERAL REGISTER

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NOTICE

The 1943 Supplement to the Code of Federal Regulations, covering the period June 2, 1943, through December 31, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book.

Book 1: Titles 1–31, including Presidential documents in full text.

Book 2: Titles 32–50, with 1943 General Index and 1944 Codification Guide.

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be necessary to effectuate the purposes of this order. Upon the request of the Secretary of the Navy or his duly authorized representative, the Department of Justice, through the Federal Bureau of Investigation, shall immediately undertake and conduct an investigation of any matter affecting the operation of said plants, facilities, and property or government possession thereof hereunder.

6. In carrying out this order the Secretary of the Navy may act through or with the aid of such public or private instrumentalities, persons, or corporations as he may designate. All Federal agencies, including but not limited to the Department of Justice, the War Manpower Commission, the National Labor Relations Board, the Department of Labor, the National Selective Service System, and the Office of Price Administration, shall cooperate with the Secretary of the Navy to the fullest extent of their authority in carrying out the purposes of this order.

7. Possession, control and operation of any plant, facility, or property, or portion thereof, of which possession is taken under this order shall be terminated by the Secretary of the Navy within sixty days after he determines that the productive efficiency of the plant, facility, or property, or portion thereof, prevailing prior to the existing and threatened interruptions referred to in the recitals of this order has been restored.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 23, 1945.

[F. R. Doc. 45–6655; Filed, Apr. 26, 1945; 10:31 a. m.]

EXECUTIVE ORDER 9544

OREGON

AUTHORIZING AND DIRECTING THE SECRETARY OF WAR TO ASSUME FULL CONTROL OF A CERTAIN AIRPORT

By virtue of the authority vested in me by section 2 of the act of May 24, 1928, 45 Stat. 728 (49 U.S.C. 212), and deeming such action necessary for military purposes, I hereby authorize and direct the Secretary of War to assume full control of the public airport on the following-described lands, now leased under the provisions of the said act of May 24, 1928, to the City of Redmond, Oregon:

WILLAMETTE MERIDIAN

T. 15 S., R. 13 E.,
sec. 22, E½, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼;
sec 23, W½E½, W½;
sec. 26, NW¼;
sec. 27, N½.

The areas described aggregate 1,520 acres.

This order shall continue in force and effect during the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647), and for six months after the official termination thereof.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 25, 1945.

[F. R. Doc. 45–6656; Filed, Apr. 26, 1945; 10:31 a. m.]

Regulations

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 70]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AIRWAYS

APRIL 10, 1945.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations

of the Administrator of Civil Aeronautics as follows:

Designation of Civil Airways: Red Civil Airway No. 22. Redesignation of Civil Airways: Green Civil Airway No. 3. Red Civil Airways Nos. 11, 13 and 21. Blue Civil Airway No. 13.

1. By striking in § 600.10002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the words: "the intersection of the center lines of the on course signals of the east leg of the Youngstown, Ohio radio range and the west leg of the Bellefonte, Pa., radio range; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Bellefonte, Pa., radio range and the west leg of the Allentown, Pa., radio range;" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the east leg of the Youngstown, Ohio radio range and the west leg of the Philipsburg, Pa., radio range; Philipsburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Philipsburg, Pa., radio range and the west leg of the Allentown, Pa., radio range;"

2. By amending § 600.10210 *Red civil airway No. 11 (Tulsa, Okla., to Huntington, W. Va.)* to read as follows:

§ 600.10210 *Red civil airway No. 11 (Tulsa, Okla., to Huntington, W. Va.).* From the Tulsa, Okla., radio range station via Springfield, Mo., radio range station and the Vichy, Mo., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Vichy, Mo., radio range and the west leg of the St. Louis, Mo., radio range. From the intersection of the center lines of the on course signals of the east leg of the St. Louis, Mo., radio range and the west leg of the Evansville, Ind., radio range via the Evansville, Ind., radio range station; Louisville, Ky., radio range station and the intersection of the center lines of the on course signals of the east leg of the Louisville, Ky., radio range and the southwest leg of the Huntington, W. Va., radio range to the Huntington, W. Va., radio range station.

3. By amending § 600.10212 *Red civil airway No. 13 (Bellefonte, Pa., to Boston, Mass.)* to read as follows:

§ 600.10212 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* From the intersection of the center lines of the on course signals of the east leg of the Philipsburg, Pa., radio range and the southwest leg of the Wilkes-Barre, Pa., radio range via the Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; Hartford, Conn., radio range station and the Providence, R. I., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Providence, R. I., radio range and the southwest leg of the Boston, Mass., radio range.

4. By striking in § 600.10220 *Red civil airway No. 21 (Cleveland, Ohio to Newark, N. J.)* the words: "the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Cove Valley, Pa., radio range to the Bellefonte, Pa., radio range station." and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Altoona, Pa., radio range to the Sunbury, Pa., radio marker station."

5. By adding a new § 600.10221 to read as follows:

§ 600.10221 *Red civil airway No. 22 (U. S.-Canadian Border to Buffalo, N. Y.)* From the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian Border to the Buffalo, N. Y., radio range station.

6. By amending § 600.10312 *Blue civil airway No. 13 (Lake Charles, La., to Kansas City, Mo.)* to read as follows:

§ 600.10312 *Blue civil airway No. 13 (Houston, Tex., to Kansas City, Mo.).* From the Houston, Tex., radio range station to the Shreveport, La., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Tulsa, Okla., radio range and the south leg of the Joplin, Mo., radio range via the Joplin, Mo., radio range station and the intersection of the center lines of the on course signals of the north leg of the Joplin, Mo., radio range and the east leg of the Chanute, Kans., radio range to the Chanute, Kans., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the west leg of the Olathe, Kans., radio range via the Olathe, Kans., radio range station to the intersection of the center lines of the on course signals of the north leg of the Olathe, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range.

This amendment shall become effective 0001 e. w. t., May 1, 1945.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-6653; Filed, Apr. 26, 1945; 9:27 a. m.]

[Amdt. 99]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

MISCELLANEOUS AIRWAYS

APRIL 10, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Designation of Airway Traffic Control Areas: Red Civil Airway No. 22. Redesigation of Airway Traffic Control Areas: Red Civil Airways Nos. 1, 10, 13 and 32. Blue Civil Airways Nos. 6 and 13. Designation of Radio Fixes: Red Civil Airway No. 22. Redesignation of Radio Fixes: Green Civil Airway No. 3. Red Civil Airways Nos. 13 and 32. Blue Civil Airway No. 13

1. By amending § 601.10201 to read as follows:

§ 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Ore., to Grandview Airport, Kansas City, Mo.).* All of Red civil airway No. 1 from the Portland, Ore., radio range station to the Malad City, Idaho radio range station; from the Salt Lake City, Utah radio range station to the Fort Bridger, Wyo., radio range station; from the Akron, Colo., radio range station to a line extended at right angles across such airway through a point 25 miles southeast of the Akron, Colo., radio range station; from such line and between the altitudes of 6,500 feet above mean sea level and 8,500 feet above mean sea level to a line extended at right angles across such airway through a point 25 miles west of the Kansas City, Mo., radio range station; from such line to the Grandview Airport, Kansas City, Mo.

2. By amending § 601.10210 to read as follows:

§ 601.10210 *Red civil airway No. 10 airway traffic control areas (Trinidad, Colo., to Charleston, S. C.).* All of Red civil airway No. 10.

3. By amending § 601.10213 to read as follows:

§ 601.10213 *Red civil airway No. 13 airway traffic control areas (Sunbury, Pa., to Boston, Mass.).* All of Red civil airway No. 13.

4. By adding a new § 601.10222 to read as follows:

§ 601.10222 *Red civil airway No. 22 airway traffic control areas (U. S.-Canadian Border to Buffalo, N. Y.).* All of Red civil airway No. 22.

5. By amending § 601.10232 to read as follows:

§ 601.10232 *Red civil airway No. 32 airway traffic control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

6. By amending § 601.10306 to read as follows:

§ 601.10306 *Blue civil airway No. 6 airway traffic control areas (Abilene, Tex., to Muskegon, Mich.).* All of Blue civil airway No. 6.

7. By amending § 601.10313 *Blue civil airway No. 13 airway traffic control areas (Lake Charles, La., to Kansas City, Mo.)* to read as follows:

§ 601.10313 *Blue civil airway No. 13 airway traffic control areas (Houston, Tex., to Kansas City, Mo.).* All of Blue civil airway No. 13 from the Houston, Tex., radio range station to a line extended at right angles across such airway to a point 25 miles northeast of the Houston, Tex., radio range station; from the intersection of the center lines of the on course signals of the northeast leg of the Tulsa, Okla., radio range and the south leg of the Joplin, Mo., radio range via the Joplin, Mo., radio range station and the intersection of the center lines of the on course signals of the north leg of the

Joplin, Mo., radio range and the east leg of the Chanute, Kans., radio range to the Chanute, Kans., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the west leg of the Olathe, Kans., radio range via the Olathe, Kans., radio range station to the intersection of the center lines of the on course signals of the north leg of the Olathe, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range.

8. By striking in § 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the words: "Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Bellefonte, Pa., radio range;" and substituting in lieu thereof the following: "Philipsburg, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Philipsburg, Pa., radio range;"

9. By amending § 601.40213 *Red civil airway No. 13 (Bellefonte, Pa., to Boston, Mass.)* to read as follows:

§ 601.40213 *Red civil airway No. 13 (Sunbury, Pa., to Boston, Mass.).* Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; Providence, R. I., radio range station.

10. By adding a new § 601.40222 to read as follows:

§ 601.40222 *Red civil airway No. 22 (U. S.-Canadian Border to Buffalo, N. Y.).* No radio fix designation.

11. By amending § 601.40232 *Red civil airway No. 32 (Austin, Tex., to Houston, Tex.)* to read as follows:

§ 601.40232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Laredo, Tex., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the San Antonio, Tex. (Kelly) radio range and the southeast leg of the Hondo, Tex., radio range.

12. By amending § 601.40313 *Blue civil airway No. 13 (Lake Charles, La., to Kansas City, Mo.,)* to read as follows:

§ 601.40313 *Blue civil airway No. 13 (Houston, Tex., to Kansas City, Mo.).* Olathe, Kans., radio range station.

This amendment shall become effective 0001 e. w. t., May 1, 1945.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 45-6654; Filed, Apr. 26, 1945; 9:27 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5138]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CEIL MALK, INC.

§ 3.295 (b) *Concealing or obliterating foreign source marking—Wool products tags or identification:* § 3.66 (a7) *Misbranding or mislabeling—Composition—Wool Products Labeling Act:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition—Wool Products Labeling Act.* I. In connection with the introduction into commerce, or the sale, transportation, or distribution of such products in commerce, misbranding women's coats and suits or other "wool products" as such products are defined in, and subject to, the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as those terms are defined in said act, by failing to securely affix to, or place on, such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more; and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter; (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; and, II, in connection with the purchase, offering for sale, sale, or distribution of women's coats and suits or any other "wool products" as such products are defined in, and subject to, the Wool Products Labeling Act of 1939, causing or participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of said Act, and which stamp, tag, label, or other means of identification purports to show all or any part of the information set forth in "(a)", "(b)" and "(c)", above; prohibited, subject to the provision, however, that the provisions concerning misbranding in part I of the order shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 68) [Cease and desist order, Ceil Malk, Inc., Docket 5138, April 6, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation of facts entered into between counsel for the Federal Trade Commission and counsel for the respondent, by which stipulation the filing of briefs and oral argument were specifically waived; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

It is ordered, That respondent, Ceil Malk, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding women's coats and suits or other "wool products" as such products are defined in, and subject to, the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool" as those terms are defined in said Act, by failing to securely affix to, or place on, such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more; and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered That respondent, Ceil Malk, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the purchase, offering for sale, sale, or distribution of women's coats and suits or any other "wool products" as such products are defined in, and subject to, the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or

participating in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of said Act, and which stamp, tag, label, or other means of identification purports to show all or any part of the following:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more; and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 45-6657; Filed, Apr. 26, 1945; 10:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 26, Amdt. 4]

PART 602—GENERAL ORDERS AND DIRECTIVES

LIMITATION OF DELIVERIES TO AND RECEIPTS BY CONSUMERS

SFAW Regulation No. 26 (10 F.R. 2905) is hereby amended in the following respects:

Paragraph (c) of § 602.652 is amended to read as follows:

§ 602.652 *Definitions.* * * *

(c) "Less scarce solid fuel" means No. 2 buckwheat (rice) anthracite, semi-anthracite produced in the Bernice region of Pennsylvania, semi-anthracite produced in Virginia, reclaimed beehive coke, run-of-oven beehive coke, by-product double-screened coke having a top size of not more than 1⅛" which is actually recovered from a breeze pile, lignite, and bituminous coal produced in Colorado, Iowa, Michigan, Montana, Utah, Wyoming, Kansas, Texas, Missouri, and the following counties in Oklahoma: Coal, Craig, Lattimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

NOTE: "Less scarce solid fuel" also means Carbonite, Solarite, and bituminous coal produced in West Kentucky (District No. 9), Illinois (District No. 10) and Indiana (District No. 11) until the effective date of a notice or amendment to the contrary issued by SFAW. The effective date of any such notice or amendment will be five days or more after its issuance.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended, 9 F.R. 84; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 25th day of April 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-6658; Filed, Apr. 26, 1945; 10:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-240, as Amended Apr. 26, 1945]

NEWSPAPERS

The fulfillment of requirements for the defense of the United States has created a shortage of the supply of print paper for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Newspaper.
(c) Camp papers and free distribution publications.
(d) Publisher.
(e) Print paper.
(f) Use.
(g) Net paid circulation.
(h) Inventory.
(i) Transfer of quotas.

Consumption Quota

(j) Allowable consumption.
(k) Computation of consumption quota.
(l) Carry-over.
(m) Consumption quotas for certain types of newspapers.
(n) Allotment to Army and Navy.

Delivery Quota

(o) Computation of delivery quota.
(p) Exceptions.
(q) Certification.
(r) Copies of orders.
(s) Inter-company transfers.

Miscellaneous Provisions

(t) Loans of print paper.
(u) Applicability of regulations.
(v) Appeals.
(w) Communications to the War Production Board.
(x) Violations.

Scope

§ 3133.6 *Limitation Order L-240*—(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which may be used by a publisher in printing a newspaper. This is called his "consumption quota". Second, it limits the tonnage of print paper which may be ordered or accepted by a newspaper publisher. This is called his "delivery quota". A publisher's consumption quota is on a quarterly basis and his delivery quota is on a monthly basis.

Definitions and Explanations

(b) *Newspaper.* "Newspaper" means any publication generally recognized as a newspaper in the newspaper industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a newspaper or delivered together with it.

Where two or more newspapers are published by the same publisher, whether in the same city or in different cities, each newspaper shall operate under a separate consumption quota and a separate delivery quota. In computing his consumption quota a publisher must make separate calculations for morning, evening and Sunday editions, but these figures must be consolidated into a single consumption quota for each newspaper, in accordance with the instructions contained in paragraph (k).

However, morning, evening, Sunday and other editions of the same newspaper shall operate under a single consumption quota and a single delivery quota.

In determining whether a publisher issues separate newspapers or separate editions of the same newspaper, the number and form of the reports filed by the publisher with the Audit Bureau of Circulations in 1941 will be controlling, in the absence of special circumstances. Thus, if a publisher in 1941 filed consolidated statements with the Audit Bureau of Circulations covering morning, evening and Sunday issues, even if these issues had different names, different formats and different staffs, they will ordinarily be considered as a single newspaper for the purposes of this order. If a publisher in 1941 filed separate statements with the Audit Bureau of Circulations covering his morning, evening, Sunday and other publications, they will ordinarily be considered as separate newspapers for the purposes of this order.

The term "newspaper", as used in this order, does not include "servicemen's", "overseas", "pony", or other condensed editions of newspapers which (1) are printed by the Army or Navy outside the continental United States on print paper procured by the Army or Navy, and (2) are distributed exclusively to United States Armed Forces personnel outside

the continental United States. A publisher need not deduct from his consumption quota the print paper used in such editions, even though he supplies to the Army or Navy the print paper, the editorial material, and the mats or plates.

If a publisher is uncertain as to whether or not his publication is a newspaper as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Camp papers and free distribution publications.* Army or Navy camp, post, station or unit "newspapers" or news sheets generally are not recognized as newspapers in the newspaper industry. They are covered by Order L–241 (commercial printing). Shopping guides, want ad periodicals and publications in newspaper format distributed free or at nominal cost also are not recognized as newspapers within the meaning of this order and are governed by Order L–241, Schedule II. If a publisher issued a free distribution newspaper in 1941, his consumption quota shall be determined in accordance with Schedule II to Order L–241 and that order shall govern even if the circulation of the publication has subsequently been changed in whole or in part to a net paid basis.

(d) *Publisher.* "Publisher" means a person who publishes a newspaper, including an individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(e) *Print paper.* "Print paper" means any grade, quality, type or basis weight of paper used in publishing a newspaper. The term includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber. It also includes roll wrappers, newsprint used as wrappers, identification sheets and labels for newspapers, and production waste, whether or not this waste is subsequently salvaged for other uses.

(f) *Use.* All production waste shall be included in the tonnage of print paper "used" in printing a newspaper. Transit damage shall not be included in a publisher's "use" of print paper. A publisher may determine the dates on which paper is "used" under this order either on the basis of the dates when the paper is actually printed or the dates appearing on the respective issues of the newspaper, provided he continues to use the same method which he used in computing his 1941 base tonnages.

(g) *Net paid circulation.* "Net paid circulation" means the number of copies of a newspaper which have been sold (exclusive of bulk sales), as audited by the Audit Bureau of Circulations or (in the case of newspapers which are not members of the Audit Bureau of Circulations), as verified in accordance with the standards of the Audit Bureau of Circulations of January 1, 1942.

(h) *Inventory.* "Inventory" means all the print paper which is owned by a publisher or is available for his use. It includes the print paper which he has on hand, in storage, and in transit, and paper held for his use by a paper merchant, warehouseman or other person, regardless of its physical location. However, it does not include print paper shipped by water and held in warehouse by a paper manufacturer or merchant as part of the inventory of the manufacturer or merchant; such paper does not become part of a publisher's inventory until it is delivered to him.

(i) *Transfer of quotas*—(1) *Quotas established by different orders.* Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a newspaper any part of a consumption quota established under Orders L–241 (commercial printing), L–244 (magazines) or L–245 (books) and he may not permit any part of his consumption quota established under this order to be used for commercial printing, magazines or books. If a newspaper publisher also conducts a job printing business, he must keep these two operations separate for quota purposes. The amount of print paper which he is permitted to consume and the amount which he is permitted to order or accept for the publication of his newspaper is limited by this order. The amount of print paper which he is permitted to consume and the amount which he is permitted to accept for his commercial printing business is limited by Order L–241.

(2) *Transfer of quotas to different persons.* The rules governing the assignability of quotas are set forth in Priorities Regulation 7a.

Consumption Quota

(j) *Allowable consumption.* In the first quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, in the publication of a newspaper, print paper in excess of:

(1) His quarterly consumption quota, which shall be computed in accordance with the instructions set forth in paragraph (k) or (m) plus

(2) Any less-than-quota savings carried over from previous calendar quarters, as provided in paragraph (l), plus

(3) Ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(k) *Computation of consumption quota*—(1) *Base tonnages.* Ascertain, separately, the tonnage of print paper comprising the net paid circulation of morning, evening, Sunday or other issues of the newspaper in the corresponding quarter of 1941. Add 3 per cent to each figure. (This 3 per cent is an arbitrary allowance to compensate for production waste and should be added whether the actual production waste in 1941 was greater or less than 3 per cent). These are the "base tonnages" for morning, evening, Sunday or other issues of the newspaper, which shall be adjusted in accordance with instructions 2, 3, and 4.

(2) *Circulation increase.* Ascertain, separately, the percentage increase or decrease in average net paid circulation of morning, evening, Sunday or other issues of the newspaper in the calendar year 1942 as compared with the calendar year 1941. (The average net paid circulation for each year shall be determined by adding together the average net paid circulation for each of the four quarters of the year and dividing by four).

(3) *Tonnage equivalent of circulation increase.* Apply, separately, the respective percentages of circulation increase or decrease determined under instruction number 2 to the respective base tonnages determined under instruction number 1 for morning, evening, Sunday or other issues of the newspaper.

(4) *Adjustment of base tonnages.* Adjust the respective base tonnages determined under instruction number 1 by adding or subtracting the number of tons represented by the percentage circulation gain or loss determined under instruction number 3.

(5) *Total adjusted base tonnage.* Total the respective base tonnages for morning, evening, Sunday or other issues of the newspaper determined under instruction number 1. Total the respective adjusted base tonnages for morning, evening, Sunday, or other issues of the newspaper determined under instruction number 4. The larger of these two totals is the publisher's "total adjusted base tonnage" from which the required reductions shall be applied.

(6) *Sliding scale of reductions.* Reduce the total adjusted base tonnage by the following sliding scale of percentage cuts:

(i) Deduct 4% of the amount over 25 tons but not over 125 tons.

(ii) Deduct 8% of the amount over 125 tons but not over 250 tons.

(iii) Deduct 12% of the amount over 250 tons but not over 500 tons.

(iv) Deduct 20% of the amount over 500 tons but not over 1000 tons.

(v) Deduct 24% of the amount over 1000 tons.

(7) *Consumption quota.* The balance remaining after subtraction of the above reductions from the total adjusted base tonnage determined under instruction number 5 is the publisher's consumption quota for the quarter.

(8) *Adjustment for print paper lighter than 32-pound basis weight.* Beginning July 1, 1944, if a publisher orders print paper lighter than 32-pound basis weight, his consumption quota for the current calendar quarter shall be reduced proportionately as follows: First, determine the percentage by which 32-pound paper exceeds such lighter paper in weight. Second, multiply the tonnage of lighter paper so ordered by this percentage. Third, subtract the result from the publisher's consumption quota. For example, if a publisher has a consumption quota of 200 tons and orders 100 tons of 30-pound basis weight paper, his consumption quota shall be reduced by 6⅔ tons, since 32-pound paper is 6⅔% heavier than 30-pound paper.

(9) *Borrowing for 14th Sunday.* Inasmuch as there are 14 Sundays in the fourth quarter of 1944 and only 12 in the first quarter of 1945 the publisher of a Sunday newspaper may deduct the ton-

nage of print paper consumed in his December 31, 1944 issue from his first quarter 1945 consumption quota rather than his fourth quarter 1944 consumption quota.

(l) *Carry-over.* If a publisher uses less print paper than he is permitted to use in the fourth quarter of 1943, or in any calendar quarter after that, he may add this tonnage to his consumption quota but not to his delivery quota, in any succeeding quarter. This paragraph does not apply to the print paper which a publisher is permitted to use under paragraph (m) (2).

(m) *Consumption quotas for certain types of newspapers.* Excepted from the provisions of paragraph (k) are certain types of newspapers described in this paragraph (m), whose consumption quotas shall be computed as follows:

(1) *Special types of newspapers.* Any newspaper containing the equivalent of 8 standard-size pages or less which is authorized to be admitted to the mails as second-class matter under the provisions of section 521 of the Postal Laws and Regulations of 1940 (Title 39, U. S. C., sec. 229) pertaining to the publications of benevolent, fraternal, trades-union, professional, literary, historical, and scientific organizations and societies shall have a consumption quota of print paper in any calendar quarter equal to either:

(i) Its quarterly consumption of print paper in any one of the first three calendar quarters of 1944; or

(ii) Its consumption of print paper in the corresponding calendar quarter of 1943. If the publisher selects this latter method in any calendar quarter, he may increase his consumption quota in that quarter by that percentage by which the average number of copies per issue in the third quarter of 1944 exceeds the average number of copies per issue in the corresponding calendar quarter of 1943. For example, if a newspaper's consumption of print paper in the first quarter of 1943 was 5 tons with an average press-run in that quarter of 5,000 copies per issue, and its average press-run in the third quarter of 1944 was 6,250 copies per issue, his consumption quota for the first calendar quarter of 1945 is 6¼ tons.

(2) *Small newspapers.* Any person may use or cause to be used in the publication of a newspaper during any calendar quarter a tonnage of print paper equal to 1¼ tons multiplied by the number of days per week on which the newspaper is published. For example, any person may use 1¼ tons of print paper per calendar quarter for the publication of a weekly newspaper, 2½ tons per calendar quarter for the publication of a semi-weekly newspaper, etc. It makes no difference whether he used that much paper, or any paper, in the publication of a newspaper during any previous period.

(3) *Other newspapers using less than 25 tons per quarter.* If, prior to October 1, 1944, a publisher used less than 25 tons of print paper per calendar quarter for civilian readers (whether or not he used additional paper for military readers), his total quarterly consumption quota for all types of readers shall be computed as follows:

(i) Ascertain the total number of copies of all issues printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(ii) Ascertain the average number of pages per issue printed in each of the seven calendar quarters between January 1, 1943 and September 30, 1944.

(iii) Multiply the highest quarterly figure determined under subdivision (i) by the highest quarterly figure determined under subdivision (ii). The weight of paper required to produce this number of pages is the publisher's quarterly consumption quota; *Provided, however,* That if this figure is in excess of 25 tons, the publisher shall be limited to 25 tons per quarter plus the tonnage in excess of 25 tons which he used for military circulation in the third quarter of 1944.

(n) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing "servicemen's", "overseas", "pony", or other condensed editions of newspapers which will be furnished to United States Armed Forces personnel overseas.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in such editions acquired by the Army and the Navy for distribution outside the continental limits of the United States. This allotment does not cover purchases of newspapers by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All newspapers sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

Delivery Quota

(o) *Computation of delivery quota.* In April 1945, and in each calendar month after that, no publisher may order or accept delivery of print paper in excess of his monthly delivery quota, which shall be computed in accordance with the following instructions:

(1) *Monthly base.* Total the publisher's consumption quotas for the first and second quarters of 1945 and add the exquota tonnage, if any, which may have been granted on appeal for the first quarter of 1945. Divide by 6. Add ⅓ of the exquota tonnage, if any, which may have been granted on appeal for the second quarter of 1945. (Do not add any carry-over from preceding quarters.) Subtract 6%.

(2) *Inventory ceiling.* The above amount shall be reduced accordingly if a publisher's inventory is, or by virtue of such order or acceptance will become, on June 30, 1945, greater than: (i) 40 days' supply for publishers in the states named in List A, (ii) 65 days' supply for publishers in the states named in List B, or (iii) 60 tons for publishers who would be limited to a smaller amount by subdivision (i) or (ii) above.

List A

Connecticut.	Nebraska.
District of Columbia.	New Hampshire.
Delaware.	New Jersey.
Illinois.	New York.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	Pennsylvania.
Kentucky.	Rhode Island.
Maine.	South Dakota.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

List B

Alabama.	Nevada.
Arizona.	New Mexico.
Arkansas.	North Carolina.
California.	Oklahoma.
Colorado.	Oregon.
Florida.	South Carolina.
Georgia.	Tennessee.
Idaho.	Texas.
Louisiana.	Utah.
Montana.	Washington.
Mississippi.	Wyoming.

(3) *Exclusions.* In computing the maximum tonnage which a publisher may have in his inventory, he shall exclude any less-than-quota savings under his consumption quota carried over from previous quarters. He shall also exclude print paper which he has received by Great Lakes or coastal water-borne shipments; provided on May 1 of any calendar year he shall have on hand or available for use not more than (i) a 40 days' supply if he is located in one of the states named on List A above, or (ii) more than a 65 days' supply if he is located in one of the states named in List B above and provided further that no publisher may order or accept delivery of a total amount of print paper by water, rail or otherwise in any calendar year (including both the open and closed navigation seasons) in excess of his delivery quota for that calendar year.

(4) *Computation of rate of consumption.* The number of days' supply shall be computed at the average daily rate of allowable consumption for the first six months of 1944.

(5) *Fractional carloads.* If a publisher's delivery quota for any month is less than one carload, he may nevertheless order and accept, in that month, up to one full carload. If a publisher's delivery quota for any month is a whole number of carloads plus a fraction of another carload, the fraction may be added to his delivery quota for any succeeding month.

(6) *Transit damage.* If print paper in inventory is destroyed or damaged to such an extent that it becomes unusable in publishing his newspaper, whether this occurs while the paper is in transit or after it has reached its destination, the publisher may increase his delivery quota (but not his consumption quota) in the same or any subsequent month by an amount sufficient to replace such paper. It is immaterial whether or not the publisher is reimbursed for the destroyed or damaged paper by the shipper, the carrier, or an insurance company. It is also immaterial whether or not the publisher salvages all or part of the damaged paper for use other than in publishing his newspaper.

(7) *Report on transit damage.* Any publisher who increases his delivery quota to replace destroyed or damaged print paper in accordance with subparagraph 6 above shall, within 15 days after placing the order for such replacement, file a letter with the War Production Board stating the number of tons comprising the publisher's delivery quota for that month, the number of tons destroyed or damaged, the manner in which such print paper was rendered unfit for use in publishing his newspaper, and the number of tons ordered in excess of his delivery quota. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(p) *Exceptions.* Permission to order or accept delivery of print paper in excess of the tonnage allowed under paragraph (o) may be granted by the War Production Board upon a written request for specific authorization stating the number of tons and the number of days' supply of print paper which the publisher has in inventory, the number of tons comprising his delivery quota, the number of additional tons he desires to order and accept, and the reasons why the denial of the request would create undue hardship.

(q) *Certification.* No mill or other supplier may sell or deliver to any person, and no person may accept, any print paper for use under Order L-240 except on a delivery order bearing or accompanied by a certification substantially in the form set forth below. This certification must be signed manually or as provided in Priorities Regulation No. 7 by the purchaser or by an official duly authorized for such purpose:

> The undersigned certifies, subject to the penalties of section 35 (a) of the U. S. Criminal Code, to the seller and to the War Production Board: (a) that he is permitted to place this delivery order and to accept the print paper ordered; (b) that the print paper will be used or delivered, or that it is required to replace in inventory print paper previously used or delivered, under War Production Board Order L-240.

The above certification must be placed on, or must accompany, each delivery order placed by any person for print paper to be used under Order L-240, and the certification provided for in Priorities Regulation No. 7 may not be used in its place.

(r) *Copies of orders.* On and after March 1, 1944, the publisher of every newspaper which consumes 25 tons of print paper or more in any calendar quarter shall file with the War Production Board copies of all orders for the delivery of print paper placed by him or for his account. Such copies must be mailed within three days after the orders are placed. On or before March 15, 1944, every such publisher shall mail to the War Production Board copies of all orders for the delivery of print paper placed by him or for his account since January 1, 1944. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(s) *Intra-company transfers.* The foregoing restrictions apply not only to deliveries from one person to another, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

Miscellaneous Provisions

(t) *Loans of print paper.* Any loan of print paper made by a publisher shall be reported to the War Production Board by letter within 15 days after the date of the loan. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(u) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(v) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(w) *Communications to the War Production Board.* All reports required to be filed hereunder, requests for specific authorization, appeals and other communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-240.

(x) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1: Revoked Dec. 24, 1943.

INTERPRETATION 2: Revoked Dec. 24, 1943.

INTERPRETATION 3: Revoked Dec. 24, 1943.

INTERPRETATION 4

TRANSIT DAMAGE

Paragraph (f) of Order L-240 states in part: "Transit damage shall not be included in a publisher's 'use' of print paper." This provision which was inserted in the order on December 24, 1943, merely explained, and did not change, the existing rule.

At all times since the issuance of Order L-240 on December 31, 1942, a publisher has been obliged to charge against his consumption quota only the print paper which was actually "used" in publishing his newspaper; print paper which was destroyed or damaged in transit need not be charged against the publisher's consumption quota to the extent that such print paper was rendered unusable in the publication of his newspaper. However, at all times since the issuance of Order L-240 on December 31, 1942, production waste has been included in the tonnage of print paper which is "used" in publishing a newspaper. (Issued Oct. 30, 1944.)

[F. R. Doc. 45-6680; Filed, Apr. 26, 1945; 11:26 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Interpretation 29]

SPECIAL DIRECTIVES FOR IMMEDIATE DELIVERY OF STEEL

The following interpretation is issued with respect to CMP Reg. 1:

(a) The War Production Board issues special directives to producers to obtain earlier deliveries of steel for particular orders than are otherwise permitted by paragraph (t) of CMP Regulation 1. These directives are issued only to insure required delivery for the most important production. An impression is current that it is necessary for a person to have first placed an order and had it accepted by a steel producer before requesting such a directive. This is not necessary and results in considerable confusion on the part of the mills and mix-up as to allotments.

For instance, from time to time persons who require delivery of steel in the second quarter of 1945 have placed controlled material orders against 4th quarter allotments asking for delivery during the 4th quarter of 1945, and then requested the War Production Board for a directive to get delivery in the second quarter. The War Production Board will issue a directive requiring the acceptance and delivery of the order in a proper case, whether or not the individual has been able to get the order accepted for a later quarter.

Consumers, therefore, must not use later quarter allotments to support authorized controlled material orders when they intend to request a directive to have the order advanced to an earlier quarter. Directive assistance should be requested immediately, through the proper channels, when every other effort has been exhausted to secure shipment in the required month.

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-6678; Filed, Apr. 26, 1945; 11:26 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-115; Revocation of Direction 1]

SECOND QUARTER 1945 LEAD QUOTAS FOR COLLAPSIBLE TUBES

Direction 1 to Conservation Order M-115 is revoked. This revocation does not affect any liabilities incurred under this direction.

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-6681; Filed, Apr. 26, 1945; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING & LEATHER

[Conservation Order M-317, Direction 14]

PRIORITIES ASSISTANCE FOR COTTON YARNS FOR THE PRODUCTION OF CLOSURE TAPES, 2ND QUARTER 1945

The following direction is issued pursuant to Conservation Order M-317:

Manufacturers of selvage closure tapes may apply on Form WPB-2842 for priorities assistance to obtain cotton yarns to be used for the manufacture of button and button-hole tape, hook and eye tape, snap fastener tape and slide fastener tape. Applications must be filed with the War Production Board, Textile, Clothing & Leather Bureau, Washington 25, D. C., not later than May 8, 1945. Priorities assistance will be granted only for carded weaving yarns, 20's to 26's, two and three ply. Yarns for which priorities assistance is given must be purchased for delivery not later than June 30, 1945, and must be consumed in the production of selvage closure tape prior to July 31, 1945. No person whose application is granted may accept delivery, during the period beginning on the date his application is granted and ending June 30, 1945, of any cotton yarn to be used for the production of closure tapes, except upon a rated order.

The total amount of cotton yarn for which priorities assistance will be granted under this program is limited. If the applications received exceed the total quantity of yarn allotted to this program, applications will be granted pro rata.

This direction shall expire on July 31, 1945, unless previously extended.

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-6682; Filed, Apr. 26, 1945; 11:25 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-91, Interpretation 2 as Amended Apr. 26, 1945]

POST EXCHANGE AND SHIP'S SERVICE DEPARTMENT ORDERS

The following amended interpretation is issued with respect to Limitation Order L-91:

Paragraph (e) of Order L-91 allows the production of equipment to fill specific United States Army or United States Navy orders. Under paragraph (g) equipment listed in paragraph (c) may be produced to fill specific orders from the War Shipping Administration. Paragraph (j) allows the delivery of new equipment listed in paragraph (b) to the United States Army or the United States Navy. Paragraph (o) permits the use of metal parts without restriction when rebuilding equipment for the United States Army, the United States Navy, or the War Shipping Administration.

The foregoing provisions are military exceptions or exemptions subject to paragraph (c) of Priorities Regulation No. 17. Consequently, orders from Post Exchanges or Ships' Service Departments may not be accepted and filled under these provisions unless the orders bear preference ratings (Note that "overseas orders" as defined in Priorities Regulation 17 automatically bear an AA-5 rating).

In some cases persons have been given the privilege of operating a laundry, dry cleaning or pressing establishment in a Post Exchange or Ship's Service Department on a concession or lease basis. If the operator furnishes the equipment, purchases of equipment by him or for his account do not qualify as Post Exchange or Ship's Service Department orders and are subject to Order L-91 the same as orders from any other civilian laundry.

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-6679; Filed, Apr. 26, 1945; 11:26 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, as Amended Nov. 9, 1944, Amdt. 6]

Rubber Order R-1, as amended November 9, 1944, is hereby further amended by amending § 4600.07 to read as follows:

§ 4600.07 *Inventories.* No person, other than Rubber Reserve Company, shall accept delivery of any of the following materials, if his inventory is or will by virtue of such acceptance become, in excess of an amount reasonably necessary to meet his requirements for the period designated below:

	Days
Crude rubber, natural latex or any type of synthetic rubber	60
Reclaimed rubber	45
Aqueous dispersions of reclaimed rubber	60
Chlorinated rubber	30

Excess inventories shall be subject to redistribution by voluntary action, or if necessary, through requisitioning by the War Production Board. If a holder has an excess inventory, he may ask for the assistance of the Rubber Bureau, War Production Board, in its disposal.

A person engaged in the business of reclaiming rubber or manufacturing aqueous dispersions of reclaimed rubber, may, however, maintain such inventories of scrap, and of reclaimed rubber of his own manufactured grades, as he deems advisable. A person other than Rubber Reserve Company engaged in the manufacture of synthetic rubbers may maintain such inventories of synthetic rubbers of his own manufactured types as he may deem advisable. These exceptions may be made notwithstanding the provisions of this § 4600.07 or of § 944.14 of Priorities Regulation No. 1, as amended.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 26th day of April 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-6683; Filed, Apr. 26, 1945; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 19]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 220 is amended in the following respects:

1. The first sentence following the headnote of § 1315.1551 (a) is amended to read as follows:

This regulation is applicable to the commodities listed in Appendix A (§ 1315.1567) when they are made in whole or in part of rubber, and to the commodities listed in paragraphs (a) and (i) of Appendix A (§ 1315.1567) when they are made of oil coated fabrics, if their maximum prices would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220.

2. In § 1315.1557d (b), the last sentence of footnote 3 is amended to read as follows:

Actual freight up to $2.50 per hundred pounds of bands shall be allowed for complete delivery at one time to other points.

3. In § 1315.1557d (c), the fourth item under the heading "5-9 pounds" is changed by substituting 1.23 for 1.47.

4. The first sentence of § 1315.1567 (a) is amended to read as follows:

The following items of apparel when made in whole or in part of rubber or oil coated fabrics:

5. Section 1315.1567 (d) is amended to read as follows:

(d) The following finished products made of coated fabrics: (1) hospital sheets and blankets, (2) pillow cases, (3) rubber welting, (4) tire covers, (5) winter fronts, (6) tarpaulins, (7) tape containing no natural or synthetic rubber but made in whole or in part of substitute rubber (tape made in whole or in part of natural or synthetic rubber is not priced by this regulation), (8) garment or reinforcing strapping.

6. Section 1315.1567 (f) is amended to read as follows:

(f) The following items of stationer's goods: (1) chair cushions, (2) desk angle protector strips, (3) desk tops, (4) pen sacs, (5) rubber bands.

7. Section 1315.1567 (h) is amended by adding thereto the following:

(7) Sandblast stencils.

8. The first sentence of § 1315.1567 (i) is amended to read as follows:

The following sanitary treated items when made in whole or in part of rubber or oil coated fabrics:

This amendment shall become effective May 1, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6687; Filed, Apr. 26, 1945; 11:32 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[RMPR 528, Amdt. 1]

TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 528 is amended in the following respects:

1. Subparagraph (2) of section 16 (b) is amended to read as follows:

(2) For tubes and cotton tires not listed in Tables A–IV and A–V, the prices set forth in the brand owner's retail price list in effect on February 1, 1944, shall be the maximum retail prices for new tubes and cotton tires (other than passenger car and motorcycle) for the types, sizes, and plies listed in such price lists. The maximum price of a rayon tire shall be 105 percent of the maximum price of a cotton tire of the same type, size, and ply: *Provided, however,* That the maximum price of a rayon farm implement or farm tractor tire shall be the same as the maximum price of such tire in cotton construction.

2. Table A–I of section 16 is amended to read as follows:

TABLE A–I—MAXIMUM RETAIL PRICES FOR NEW SYNTHETIC RUBBER PASSENGER CAR TIRES AND TUBES

Tire [1] and tube [2] size	4-ply tire price [3]	6-ply tire price [4]	Tube price
4.00–15	$8.05	-------	$2.70
4.25/4.50–12	9.35	-------	2.60
4.40/4.50/4.75/5.00–21 [5]	11.35	$13.90	2.80
4.50/4.75/5.00–20 [5]	12.60	14.95	2.80
4.75/5.00–19	11.40	14.55	2.95
5.00–15	11.00	-------	2.65
5.00–16	11.10	-------	2.70
5.00–17	12.05	-------	2.75
5.25–21	16.00	20.00	3.95
5.25/5.50–17	13.95	17.40	3.30
5.25/5.50–18	12.70	15.90	2.75
5.25/5.50–19	16.10	19.35	3.50
5.25/5.50–20	17.25	21.65	3.90
5.50–16	$13.55	$16.95	$3.05
5.50/6.00–18	-------	-------	FB 3.30
6.00–16	15.20	19.00	3.65
6.00/6.50–17	16.50	21.10	3.30
6.00/6.50–18	17.75	22.25	3.30
6.00/6.50–19	18.20	21.70	3.50
6.00/6.50–20	18.55	22.65	3.90
6.25–16	17.10	21.50	3.65
6.25/6.50–16	18.45	23.10	4.20
6.50–15	18.05	22.55	4.25
6.50–16	18.45	23.10	4.20
7.00–15	20.40	25.50	4.30
7.00–16	20.90	26.15	4.40
7.00–17	22.60	28.10	4.40
7.50–15	25.60	31.95	5.00
7.50–16	26.50	33.20	5.20
7.50–17	-------	38.25	4.40
8.25–16	-------	38.35	6.75
30 x 3½	9.65	10.80	2.60
14" Jumbo	-------	34.25	5.25
15" Jumbo	-------	37.75	5.70

[1] Tires with a single size marking must take the price of that single size if listed. If not listed, they take the ceiling price of the combination size in which that single size appears. Tires with a combination size marking that is not listed, must be priced by application to the Office of Price Administration under section 16, paragraph (d).

[2] The maximum price of a combination size tube shall be the same as the maximum price of that size in the combination which has the highest maximum price as an individual size.

[3] The maximum price of a 5 ply tire shall be 115% of the maximum price of a 4 ply tire of the same size.

[4] The maximum price of 7 ply tire shall be 107% of the maximum price of a 6 ply tire of the same size.

[5] Any combination size not specifically listed, but included in this combination size shall take the maximum prices shown for this combination.

3. Table A–II of section 16 is amended to read as follows:

TABLE A–II—MAXIMUM RETAIL PRICES FOR NEW SYNTHETIC RUBBER MOTORCYCLE TIRES AND TUBES

Tire and tube size [1]	2 ply tire price	4 ply tire price	Tube price
3.30–18	$8.35	$8.75	$1.85
3.50–18	-------	-------	1.85
3.85–18	9.45	9.90	2.20
3.85–20	-------	10.70	2.20
4.00–18	9.70	10.15	2.20
4.00–19	9.85	10.45	2.20
4.50–18	10.45	11.10	2.20
4.50–19	10.85	11.35	2.20
5.00–16	11.75	12.30	2.30

[1] The maximum price of a combination size tube shall be the same as the maximum price of that size in the combination which has the highest maximum price as an individual size.

4. Footnote 2 to Table A–IV of section 16 is amended by substituting "105%" for the word "112½%" where the latter appears.

5. Table B–XIII of section 17 is amended by substituting the word "tubes" for the word "tires" where the latter appears under the heading *"Deductions required on unrepaired tubes"*.

6. Table B–XIV of section 17 is amended by inserting the heading *"Airplane low pressure"* immediately following the item "10 x 3 . . . $2.15", and immediately above the item "5.00–4 . . . $3.80".

7. Table C–II of section 18 is amended:

a. "35.85" is substituted for "$38.85" where the latter appears for size 12.00–20 (11.25–20) (40x10).

b. "$37.30" is substituted for "$27.30" where the latter appears for size 12.00–22 (11.25–22).

c. "$16.95" is substituted for "$17.90" where the latter appears for size 7.50–17.

d. For size 7.00–15, "$11.00" is substituted for "$10.00" where the latter appears, and "$10.50" is substituted for "$9.80" where the latter appears.

8. Table C–III of section 18 is amended by substituting "$6.95" for "$6.50" where the latter appears for wide base, size 6–12.

This amendment shall become effective May 1, 1945.

Issued this 26th day of April, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6689; Filed, Apr. 26, 1945; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[1] Amdt. 36]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In the second paragraph of section 26 (b), the list of dates and prices applicable to all counties of Florida is amended to read as follows:

April 25, 1945 through April 30, 1945__ $4.00
May 1, 1945 through May 20, 1945_____ 3.75

This amendment shall become effective April 25, 1945.

Issued this 25th day of April 1945.

CHESTER BOWLES,
Administrator.

Approved April 24, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45-6650; Filed, Apr. 25, 1945; 4:26 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 322, Revocation]

ALFALFA HAY

A statement of the considerations involved in the issuance of this revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation No. 322 (Alfalfa Hay) is hereby revoked, subject to the provisions of Supplementary Order No. 40.

This order shall become effective May 1, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

Approved: April 16, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45-6688; Filed, Apr. 26, 1945; 11:32 a. m.]

PART 1358—TOBACCO

[2d Rev. MPR 532]

MARYLAND TOBACCO (TYPE NO. 32)

Revised Maximum Price Regulation No. 532 is redesignated Second Revised Maximum Price Regulation No. 532, and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this revised regulation has been issued and filed with the Division of the Federal Register.

[1] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475, 13262; 10 F.R. 1334, 2248, 2969, 3764, 4035, 4154.

ARTICLE I—EXPLANATION OF THE REGULATION

Sec.

1. Explanation of the regulation.
2. Certain definitions.

ARTICLE II—PRICING PROVISIONS

3. Maximum prices for purchases of Maryland tobacco on loose-leaf or hogshead markets or otherwise.
4. Maximum prices for sales of Maryland tobacco by dealers.

ARTICLE III—MISCELLANEOUS PROVISIONS

5. Records.
6. Compliance with this regulation.
7. Geographical applicability.
8. Export sales.
9. Petitions for amendment.

ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for sales and purchases of, and for certain services performed with respect to Maryland tobacco, Type No. 32 of any crop year. This regulation fixes maximum prices which may be paid to growers and paid or received by dealers, manufacturers and other purchasers and sellers of that tobacco. Specific dollar-and-cents maximum prices are fixed for certain services performed by dealers in buying, handling, packing and warehousing Maryland tobacco. The maximum prices and pricing methods are stated in sections 3 and 4.

SEC. 2. *General definitions.* (a) When used in this regulation the term: (1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government or any other political subdivision or any agency of the foregoing.

(2) "Maryland tobacco" means United States Type No. 32 tobacco, as classified in regulatory announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture. When used with specific reference to one or more years' crops, the term refers to that tobacco of the specified year's crop.

(3) "Dealer" means any person engaged in the business of buying Maryland tobacco (Type No. 32) on the loose-leaf market, hogshead market or otherwise, for his own account or on direct order.

(4) "Initial credit terms" means terms fixing the time for payment of the purchase price agreed to by the dealer and buyer at or prior to delivery of the tobacco.

(5) "Purchase on direct order" means a purchase made in conformity with an agreement to buy for a principal, either in the principal's name or for his account.

(6) "Packed tobacco" means tobacco which has been pressed into hogsheads or bales in accordance with trade custom.

(b) Unless the context otherwise requires, the definitions of Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

ARTICLE II—PRICING PROVISIONS

SEC. 3. *Maximum prices for Maryland tobacco purchased on loose-leaf or hogshead markets or otherwise.* The maximum prices which may be charged, demanded, offered, paid or received for Maryland tobacco purchased on and after April 25, 1945, on the loose-leaf or hogshead markets or otherwise (except tobacco purchased from dealers in sales for which maximum prices are established under section 4 below) shall not exceed $57.00 per hundredweight. This paragraph shall not apply to tobacco of the 1943 and prior crops which may still be in the hands of its grower.

SEC. 4. *Maximum prices for sales of Maryland tobacco by dealers*—(a) *Dealers' maximum prices for tobacco purchased other than on direct order.* A dealer's maximum price for Maryland tobacco purchased by him on the loose-leaf market or hogshead market or otherwise other than on direct order, shall be an amount determined by adding the following items:

(1) The cost per pound of the tobacco to be sold, to be determined by dividing the cost of the tobacco by the number of pounds to be sold.

(2) The exact amount, if any, paid by the dealer to an independent carrier for transporting the tobacco from its location at the date of purchase to the dealer's packing house; plus

(3) A charge for any service listed in the table in paragraph (b) of this section, rendered by the dealer, on the tobacco to be priced, but not in excess of the maximum charge under that paragraph for the particular service; plus

(4) Ten percent of the total of items (1) and (2) and (3) of this paragraph (a) or two and one-half cents per pound packed weight, whichever is greater; plus

(5) The actual amount of commission paid by the dealer to a tobacco broker doing business as such during and since March 1942, for the broker's services in negotiating the sale of the tobacco to a manufacturer, but not in excess of three percent of the total of the preceding items of this paragraph; plus

(6) A charge for warehousing and carrying, if performed, but not in excess of one percent of the packed cost per pound for each full month after the packed tobacco has been placed in storage.

(b) *Dealers' charges for services on direct order purchase.* A dealer who purchases Maryland tobacco on direct order may charge for services rendered in connection with the tobacco purchased, but not in excess of the following amounts:

Services	*Maximum charge per hundred pounds (green weight)*
Buying on loose-leaf market or hogshead market	$0.25
Sheeting and delivery f. o. b. warehouse door (where dealer furnishes sheets)	.50
Sheeting and delivery f. o. b. warehouse door (where dealer does not furnish sheets)	.25
Reshipping green charge	.25
Packing in hogsheads (dealer furnishing hogsheads)	2.25
Packing in hogsheads (where dealer does not furnish hogsheads)	$1.50
Packing in bales (all materials furnished by dealer)	1.00
Transportation charge paid to common carrier [1]	([2])
Lacing hogsheads	([3])
Stemming, including packing	[4] 7.50
Hand stemming, including packing	[4] 10.00

[1] If dealer uses own vehicle, actual cost, not to exceed common carrier rate.
[2] Actual cost.
[3] Actual direct cost of labor and materials.
[4] Packed weight.

(c) *For resales of packed tobacco.* (1) A dealer's maximum price for his sales of packed Maryland tobacco, purchased by him in packed form from its buyer on the loose-leaf or hogshead markets or otherwise, shall be the cost of the tobacco plus five percent, plus a charge for warehousing, if any, allowed by paragraph (a) (6) of this section; (2) a dealer's maximum price for his sales of packed Maryland tobacco, previously owned in packed form by two or more dealers, shall not exceed his purchase price for the tobacco being priced, except a charge for warehousing, if any, as allowed in paragraph (a) (6) of this section.

(d) *Sales on the hogshead market of tobacco purchased on the loose-leaf market or on the hogshead market or otherwise.* A dealer's maximum price for sales on the hogshead market of tobacco purchased on the loose-leaf market or on the hogshead market or otherwise shall be the amounts established by paragraphs (a) and (c) of this section, notwithstanding any higher bid which may be made within the limits provided by section 3.

(e) *Dealer's charges for supervisory services on direct order purchase.* A dealer performing supervisory services in the purchase on direct order of Maryland tobacco for a particular buyer may charge a fee for such services, but not to exceed the highest customary fee charged by the dealer to the particular buyer for the same services performed with respect to purchases on direct order of the 1942 or 1941 year's crop, whichever is most recent. If the dealer performed no supervisory services for the buyer with respect to purchases on direct order of the 1942 or 1941 year's crop of that type of tobacco, the fee charged by the dealer for such supervisory services shall not exceed the highest customary fee charged therefor by the dealer with respect to purchases on direct order of the 1942 or 1941 year's crop, whichever is most recent, to other buyers of the same class. A dealer who performed no supervisory services for the particular buyer or for other buyers of the same class with respect to purchases on direct order of the 1942 or 1941 year's crop, shall apply by letter to the Office of Price Administration, Tobacco Section, Washington, D. C. for authorization to charge a fee for such services based on the fee charged by his most closely competitive dealer of the same class.

"Supervisory services" means services involving responsibility for establishment of proper grade standards, correlation of grading between the several markets, selection of markets affording the greatest abundance of suitable Maryland tobacco, decisions as to the rate of buying from week to week and guiding purchases through frequent visits to the several markets.

(f) *Certification by dealers.* On and after the 25th day of April, 1945, any dealer selling Maryland tobacco, whether purchased by him on direct order or otherwise, shall place upon the invoice or other evidence of sale of the tobacco, given by him to the purchaser, a complete, correct and signed statement as follows:

> The Maryland tobacco covered by this invoice (if other evidence of sale is used specify) in packed condition has been owned by (specify number) persons previous to this sale. The price charged for this tobacco does not exceed our maximum price therefor, permitted under Second Revised Maximum Price Regulation No. 532, issued by the Office of Price Administration. The Office of Price Administration requires you to keep this statement for examination.
>
> Signed ----------
> Seller

Only one such statement need be given by a dealer for any particular sale of Maryland tobacco.

(g) *Section 4 not to apply to 1943 and prior crops.* This section shall not apply to dealers' sales of Maryland tobacco of the 1943 and prior crops.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 5. *Records.* (a) Every buyer of Maryland tobacco shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records showing with respect to each purchaser of such tobacco:

(1) The name of the seller and the date of purchase.

(2) The total number of pounds purchased.

(3) The purchase price paid.

(4) Any other records of the same kind that he has customarily kept relating to the prices he pays for Maryland tobacco after the effective date of this regulation.

(b) Every dealer whose sales of Maryland tobacco, maximum prices, or a method of determining maximum prices are prescribed by this regulation must make and keep available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, showing the prices he charges for, and the persons to whom he sells, that tobacco, and the manner in which those prices were computed.

SEC. 6. *Compliance with this regulation*—(a) *No buying or selling above maximum prices.* On and after April 25, 1945, regardless of any contract, lease or other obligation, no dealer or other purchaser in the course of trade or business shall buy or receive or agree, offer, solicit or attempt to buy or receive, and no person for whose sales of Maryland tobacco maximum prices are established by this regulation, shall sell or deliver, or agree, offer, solicit or attempt to sell or deliver any Maryland tobacco at prices higher than the appropriate maximum prices established by this regulation. However, lower prices may be charged, paid, offered and received.

(b) *Evasion*—(1) *In general.* The price limitations in this regulation shall not be evaded, directly or indirectly, whether by commission, service, transportation or other charge or discount, premium or other privilege; or by tying agreement, by any change in manner of packing, any business practice or trade understanding, or in any other way.

(2) *Specific practices which are evasions.* Specifically, but not exclusively, the following practices are evasions:

(i) In the case of a dealer, reduction or elimination by the dealer of his customary discounts or initial credit terms allowed on his most recent sales of the 1937, 1938, 1939, 1940 and 1941 crops to the same purchaser, or if he made no sales of the 1937, 1938, 1939, 1940 or 1941 crops to the purchase, reduction or elimination of his customary discounts or initial credit terms allowed on his most recent sales of the 1937, 1938, 1939, 1940 or 1941 crop to purchasers of the same class, except where accompanied by a compensating reduction in his maximum price.

(c) *Penalties for violation.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement action, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,[1] licensing persons who make sales under Price Control, apply to sellers subject to this regulation, but no such license is required of or granted to a farmer as a condition of selling an agricultural commodity produced by him. A seller's license may be suspended for violation of the license or one or more applicable price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 7. *Geographical applicability.* The provisions of this regulation are applicable in the forty-eight states of the United States and the District of Columbia.

SEC. 8. *Export sales.* The maximum price at which a person may export Maryland tobacco shall be determined in accordance with the Second Revised Maximum Export Regulation[2] issued by the Office of Price Administration.

SEC. 9. *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

[1] 8 F.R. 13240.

[2] 8 F.R. 4132, 5987, 7662, 9998, 15193.

[3] 9 F.R. 10476, 13715.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective April 25, 1945.

Issued this 25th day of April 1945.

CHESTER BOWLES,
Administrator.

Approved: April 24, 1945.

MARVIN JONES,
War Food Administrator.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the level of the maximum prices established by this regulation is necessary to aid in the effective prosecution of the war, and hereby authorize its issuance.

WILLIAM H. DAVIS,
Economic Stabilization Director.

[F. R. Doc. 45-6652; Filed, Apr. 25, 1945; 4:26 p. m.]

PART 1377—WOODEN CONTAINERS

[RMPR 186,[1] Amdt. 11]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 186 is amended in the following respects:

1. In § 1377.102, paragraph (a) is amended to read as follows:

(a) *Products covered by the regulation.* This regulation, under term "western wooden agricultural containers" covers: all sawn shook agricultural containers and veneer covers for such containers produced in the "Western area," which means the states of California, Washington, Oregon, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico and the County of Montezuma in Colorado. The term "agricultural container" means any assembled or unassembled box, crate, case, tray, lug, carrier or similar container made principally of wood used for handling, packaging, shipping or storing fruits and vegetables (whether fresh, dry or canned). It includes any constituent wooden part (shook) of the kind of containers mentioned, if it is ready to be assembled into a container and also includes pine carstrips, bracing, industrial crating strips. It also includes agricultural containers specifically listed in Table 2 which are made of veneer.

This regulation does not cover Army ration boxes, cooperage products or parts, used containers or wirebound boxes or parts.

[1] 8 F.R. 1591, 3529, 3842, 2905, 3076, 3529, 3842, 4479, 6177, 7505, 8505, 8751.

2. Section 1377.105 is amended by adding a new paragraph (d) to read as follows:

(d) *Individual adjustment*—(1) *When adjustment may be granted.* The Price Administrator or the Regional Administrator for the Region in which the applicant is located may by order adjust the maximum prices established under this regulation for any manufacturer of agricultural wooden boxes or parts who can show that his maximum prices are at such a level that his production of essential supply of Western wooden agricultural containers is impeded or threatened.

(2) *Factors which may be considered.* The following factors are relevant to the consideration of whether maximum prices are at such a level that production or supply of western wooden agricultural containers is impeded or threatened:

(i) Whether, and by what amount, the maximum price is below or above unit manufacturing costs.

(ii) Whether, and by what amount, the maximum price is below or above total unit costs.

(iii) Whether, and by what amount, the manufacturer's current over-all profits, before income and excess profits taxes, are greater or less than his average over-all profits during a normal base period, adjusted to reflect any change from the normal base period average investment.

(iv) Whether greater efficiency in production or merchandising can be reasonably expected so that an adjustment would not be necessary.

(v) Whether the manufacturer previously sold western agricultural containers at a price which was below his total unit costs.

(3) *Form and content of applications.* Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, with the Regional Office for the region in which the manufacturer is located, and, in general, shall contain the following data:

(i) Condensed profit and loss statements and balance sheets for over-all company operations for each calendar or fiscal year 1936 through 1939 and for 1943 through the last calendar or fiscal year and for the available quarters to date of application. The 1936–1939 period will be used as the representative peacetime period. The manufacturer may request the use of a different peacetime period as being representative and must submit in addition to the foregoing information, the reasons for requesting a different base period, and condensed profit and loss statements and balance sheets for the years in the requested base period. If the applicant believes that his current over-all profits before taxes, from all operations, are in excess of his normal peacetime earnings, he may so state, and disregard the data requirements of this paragraph.

(ii) Condensed profit and loss statements broken by departments for each of the manufacturing plants producing western wooden agricultural containers, showing in full, customary detail, for 1943 through the last calendar or fiscal year and all available quarters to date, a breakdown of sales between western wooden agricultural items and other items for the same periods must also be furnished.

(iii) A separate but complete breakdown showing footage produced and manufacturing costs of lumber, and/or veneer produced for use in manufacturing western wooden agricultural containers for each department or plant for which an adjustment is sought, through the last calendar or fiscal year and available quarters to date.

(iv) A complete breakdown of all manufacturing costs of western wooden agricultural containers for each plant for which an adjustment is sought through the last calendar or fiscal year and the available quarters to date. Costs of lumber and veneer and footage purchased and manufactured should be shown separately for each period. A statement of cost increases since the beginning of the last period covered by financial statements should also be furnished, and the effective date of such increases.

3. In § 1377.110, paragraph (d) is amended to read as follows:

(d) *Additions for use of specified grades of lumber.* On sales to customers who certify in writing that they will not use the increase in prices of containers as a basis for requesting an increase in the price of commodities which they pack, additions may be made to the maximum prices established in Tables 2 and 3. These additions may be made only when grades of lumber specified in Table 3A are used in production. No addition above $8.50 per M'BM of shook or boxes may be made on any sale.

(1) *Additions by manufacturers.* The additions must be computed in accordance with the instructions on Forms 186A and 186B, which are printed as Appendix B and are incorporated in this regulation.

In accordance with § 1377.103, invoices must show these additions separately.

(2) *Additions by resellers, including wholesalers.* A reseller may add to his maximum prices no more than the addition actually made, on each lot or shipment, by his supplier. Shook or boxes carrying different additions must be physically segregated in the reseller's inventory, and the addition applicable to each lot must be clearly determinable, either from the reseller's records, or from price lists prominently posted near each lot.

In accordance with § 1377.103, the invoice must show these additions separately. The invoice must also show the name of the manufacturer and the date of his invoice establishing the addition.

(3) *Option.* A manufacturer or reseller who wants to make these additions in a manner different from the procedure outlined in the provisions of the above paragraphs, may apply to his Regional Office of the Office of Price Administration, for permission to use another procedure. The application must contain a complete description of the proposed substitute method. A proposed substitute method will be approved if it is equitable to buyers, and if it results in clearly determinable ceiling prices which are consistent with the level of prices fixed by this regulation. Each Regional Administrator is authorized to act on applications under this subparagraph and by order approve, disapprove or revise proposed methods.

(4) *Records and reports under this paragraph.* Each manufacturer is required to make his computations in accordance with the instructions on Forms 186A and 186B. Copies of the sheets upon which these computations are made must be kept by the manufacturer in accordance with the terms of § 1377.106. Furthermore, on or before the 25th of July, October, January and April, the manufacturer must file with his Regional Office of the Office of Price Administration two copies of forms referring to each month of the preceding three-months period. If a manufacturer is delinquent in filing his reports, no additions apply to shipments made during the period of delinquency.

Each reseller is required to keep accurate records of all sales on which he made additions and which show the number of the manufacturer's invoice covering the items resold. Such records shall be maintained in accordance with § 1377.106.

4. In § 1377.110, Table 3A is amended to read as follows:

TABLE 3A—ADDITIONS TO MAXIMUM PRICES

Grade	Thickness	Species				
		Ponderosa pine	White fir	Idaho white pine	Sugar pine	Spruce
#2 Shop	5/4, 6/4, 7/4	$9.50	----------	$13.50	$13.00	----------
	8/4	15.50	----------	18.50	18.00	----------
#3 Shop	5/4, 6/4, 7/4	2.50	----------	4.00	5.50	----------
	8/4	3.50	----------	5.00	6.50	----------
#1 and #2 Common	4/4	10.50	$9.50	17.50	13.50	----------
	5/4, 6/4, 7/4, 8/4	14.50	12.50	24.50	17.50	----------
#3 Common	4/4	5.50	3.00	8.00	4.50	$5.50
	5/4, 6/4, 7/4, 8/4	8.50	6.00	11.00	7.50	8.50
#1 Dimension	13/16	1.50	1.50	----------	----------	3.25

5. A new § 1377.111 Appendix B with appropriate reference in the contents is added to read as follows:

§ 1377.111 *Appendix B—Forms and instructions.*

Form 186–A

Bureau of the Budget Approval No. 08–R494

Computing Form for Additions Made in Accordance With § 1377.110 (d) of RMPR 186

Fill out this report before the first of the month to which it applies.

Manufacturer's name_____
Location of plant_____
_____
Calendar month covered by report_____

1. Estimated footage of lumber to be consumed in production of agricultural containers under RMPR 186.

PONDEROSA PINE

Grade of lumber	Thickness	Footage (M' bm)	Per M' addition	Total dollar addition
#2 Shop	5/4, 6/4, 7/4		$9.50	
#2 Shop	8/4		15.50	
#3 Shop	5/4, 6/4, 7/4		2.50	
#3 Shop	8/4		3.50	
#1 and #2 Common	4/4		10.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4.		14.50	
#3 Common	4/4		5.50	
#3 Common	5/4, 6/4, 7/4, 8/4.		8.50	
#1 Dimension	1 9/16		1.50	
Subtotal (Ponderosa Pine).				

WHITE FIR

#1 and #2 Common	4/4		$9.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4.		12.50	
#3 Common	4/4		3.00	
#3 Common	5/4, 6/4, 7/4, 8/4.		6.00	
#1 Dimension	1-9/16		1.50	
Subtotal (white fir)				

IDAHO WHITE PINE

#2 Shop	5/4, 6/4, 7/4		$13.50	
#2 Shop	8/4		18.50	
#3 Shop	5/4, 6/4, 7/4		4.00	
#3 Shop	8/4		5.00	
#1 and #2 Common	4/4		17.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4		24.50	
#3 Common	4/4		8.00	
#3 Common	5/4, 6/4, 7/4, 8/4		11.00	
Subtotal (Idaho White Pine).				

SUGAR PINE

#2 Shop	5/4, 6/4, 7/4		$13.00	
#2 Shop	8/4		18.00	
#3 Shop	5/4, 6/4, 7/4		5.50	
#3 Shop	8/4		6.50	
#1 and #2Common	4/4		13.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4.		17.50	
#3 Common	4/4		4.50	
#3 Common	5/4, 6/4, 7/4, 8/4.		7.50	
Subtotal (sugar pine)				

SPRUCE

#3 Common	4/4		$5.50	
#3 Common	5/4, 6/4, 7/4, 8/4		8.50	
#1 Dimension	1 9/16		3.25	
Subtotal (Spruce)				

2. Estimated totals, Table 3A grades, all species. ____M'BM $_____
3. Enter item H from Form 186–B for second preceding month. _____
4. Item 2 plus (or minus) Item 3.
5. Estimated footage of agricultural shook and boxes to be shipped during month _____
6. Item 4 plus Item 5.
7. Enter here the lower of: Item 6, or $8.50. This is the maximum addition to the prices in Table 2 which may be made on any shipment during the month. ___

INSTRUCTIONS FOR FORM 186–A

Item: These instructions apply to the corresponding numbers in form 186–A:

1. Enter in the first column of blank spaces your best estimate of the footage in M'BM of each grade and species listed which you will use in the manufacture of agricultural containers during the month covered by this report. Multiply the entries in this column by the "per M' additions" shown in the next column, and enter the resulting product in the second column of blank spaces. Compute subtotals by simple addition.

If in the same box plant you also make items not subject to this regulation, such as industrial wooden boxes subject to 2nd RMPR 195, and if you cannot determine the end product of the lumber which enters the plant, you must estimate the total footage of each of the Table 3A grades and species you will use for all items produced in the plant. Compute the agricultural shook (and box) percentage of your total footage cutturn. Multiply the estimates by the percentage and the resulting footage figured must be used in the first column.

2. Fill in these blanks by summing the entries, or subtotals in Item 1.

3. In reports covering the months of May and June, 1945, this entry should be omitted. In the report for July, enter Item G from the report on Form 186–B for May; in August, enter from the June report, and so on.

4. No instructions needed.

5. Enter here your best estimate of the footage of agricultural shook plus the footage of shook in assembled boxes you expect to ship during the month covered by this report.

6. No instructions needed.

7. The figure you enter here is the maximum addition you may make, per M' BM, on any shipment of agricultural shook made during the month. It represents your estimate of the additions you will actually earn during the month, corrected for errors you may have made in a previous estimate.

FORM 186–B

BUREAU OF THE BUDGET APPROVAL NO. 08–R–494

Reporting Form for Actual Experience in Using Table 3A Grades of Lumber

Fill out this report within 20 days after the month to which it applies.

Manufacturer's Name_____
Location of Plant_____
_____
Calendar Month Covered by Report_____

A. Footage of lumber consumed in production of agricultural containers under RMPR 186.

PONDEROSA PINE

Grade of lumber	Thickness	Footage (M' bm)	Per M' addition	Total dollar addition
#2 Shop	5/4, 6/4, 7/4		$9.50	
#2 Shop	8/4		15.50	
#3 Shop	5/4, 6/4, 7/4		2.50	
#3 Shop	8/4		3.50	
#1 and #2 Common	4/4		10.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4.		14.50	
#3 Common	4/4		5.50	
#3 Common	5/4, 6/4, 7/4, 8/4.		8.50	
#1 Dimension	1 9/16		1.50	
Subtotal (ponderosa pine)				

WHITE FIR

#1 and #2 Common	4/4		$9.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4		12.50	
#3 Common	4/4		3.00	
#3 Common	5/4, 6/4, 7/4, 8/4		6.00	
#1 Dimension	1 9/16		1.50	
Subtotal (white fir)				

IDAHO WHITE PINE

#2 Shop	5/4, 6/4, 7/4		$13.50	
#2 Shop	8/4		18.50	
#3 Shop	5/4, 6/4, 7/4		4.00	
#3 Shop	8/4		5.00	
#1 and #2 Common	4/4		17.00	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4		24.50	
#3 Common	4/4		8.00	
#3 Common	5/4, 6/4, 7/4, 8/4		11.00	
Subtotal (Idaho White Pine)				

SUGAR PINE

#2 Shop	5/4, 6/4, 7/4		$13.00	
#2 Shop	8/4		18.00	
#3 Shop	5/4, 6/4, 7/4		5.50	
#3 Shop	8/4		6.50	
#1 and #2 Common	4/4		13.50	
#1 and #2 Common	5/4, 6/4, 7/4, 8/4		17.50	
#3 Common	4/4		4.50	
#3 Common	5/4, 6/4, 7/4, 8/4		7.50	
Subtotal (sugar pine)				

SPRUCE

#3 Common	4/4		$5.50	
#3 Common	5/4, 6/4, 7/4, 8/4.		8.50	
#1 Dimension	1-9/16		3.25	
Subtotal (spruce)				

B. Totals, Table 3A grades, all species_____ M'BM $_____ (1)
C. Total agricultural shook shipped during month_____
D. Enter Item 7 on Form 186–A covering this month_____
E. Additions actually charged during month (Item C x Item D)_____
F. If Item B (1) is greater than Item E enter the difference here_____
G. If Item E is greater than Item B (1), enter the difference here_____
H. Adjustment to be carried over to Form 186–A for second following month. Either: Item G as a minus figure; or Item F as a plus figure, but not to exceed 20% of Item B (1)_____
I. Total footage of lumber consumed in the production of agricultural shook, Table 3A grades and all others_____
J. How are your grades determined:
(1) On the basis of purchase invoices_____
(2) By grading into the plant on a piece by piece basis_____
(a) If the latter, give the name and qualifications of your grader or graders.

Name	*Qualifications*
_____	_____
_____	_____
_____	_____
_____	_____

The statements contained herein are true to the best of my knowledge or belief.

This record is a basis for a report to the Office of Price Administration, an agency of the U. S. Government. Section 3A of the Criminal Code explicitly forbids submission of false information to the Federal Government.

Note that your statement of grades actually used must be certified by records showing either actual purchase invoices or grade tallies signed by a qualified grader.

(Signed) _____

INSTRUCTIONS FOR FORM 186–B

These instructions apply to the corresponding numbers in Form 186–B Item:

A. Enter in the first column of blank spaces the actual footage of each grade and species

listed used by you in the manufacture of agricultural containers during the month covered by this report. Multiply the entries in this column by the "per M' additions" shown in the next column, and enter the resulting product in the second column of blank spaces. Compute subtotals by simple addition.

If in the same box plant you also made items not subject to this regulation, such as industrial wooden boxes subject to 2nd RMPR 195 and if you cannot determine the end product of the lumber which entered the plant, you must figure the total footage of each of the Table 3A grades and species used for all items produced in the plant. Compute the agricultural shook (and box) percentage of your total footage outturn. Multiply the total footage outturn by this percentage and the resulting footage figured must be used in the first column.

Evidence of grades actually used may be shown by only one of the following two methods.

(1) If you buy lumber but do not grade it into your plant: On the basis of the grades actually shown on your suppliers' invoices to you. Use the last invoices you have received which together cover exactly the amount of footage you used during the month. The same invoice may not be used more than once. If necessary, take fractional footage from the earliest dated invoice you need to use in making this computation. For example, if during the month of May you used 1,000,000 feet of lumber of all grades and the last three invoices received by you show:

Invoice A. received 5/20/45 400,000'
Invoice B. received 5/15/45 300,000'
Invoice C. received 5/10/45 500,000'

You should take the total of grades shown by invoices A and B and ⅗ of invoice C. This will total 1,000,000'.

(2) If you grade lumber into your plant: By grade tallies made by an inspector qualified to grade lumber and attested to by him in the following way:

I certify that this is an accurate record of grades and quantities of lumber used by the

---

Name of Company

in its box plant at _____
address

on _____ and that I personally
date

inspected this lumber on a piece by piece basis.

The right to operate on this basis may be withdrawn by the Office of Price Administration if investigation should disclose that your graders are not doing an accurate job or if you fail to maintain graders who are able to grade properly.

B. Fill in these blanks by summing the entries, or subtotals, in Item A.

C. Enter here the exact footage of shook subject to this regulation which you shipped during the month. This figure must be substantiated by your records.

D., E., F., G., H., I., J. No instructions needed.

NOTE: All reporting requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective May 1, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6686; Filed, Apr. 26, 1945; 11:32 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Incl. Amdts. 1-51,[1] Correction]

HOUSING

Section 5 (a) (12) of the Rent Regulation for Housing is corrected by adding the following unnumbered paragraph to follow subdivision (v):

This section 5 (a) (12) shall not apply to maximum rents established under section 4 (f) where the accommodations are first rented after the maximum rent date or to maximum rents established under section 4 (c), (d), (e), or (j).

Effective March 29, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6690; Filed, Apr. 26, 1945; 11:33 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 1]

LIVESTOCK SLAUGHTER AND MEAT DISTRIBUTION

Preamble—The need for this order. Lower meat production compared with the last year, and continued high military requirements have resulted in a serious civilian meat distribution problem. Maldistribution of meats results from the fact that the requirements of the Armed Forces as well as other government purchases for war needs are obtained from Federally inspected plants and plants with limited Federal inspection. There has resulted a serious decrease in the amount of meat, coming from Federally inspected plants, which is available to civilians.

Although meat is probably produced in every county in the United States, it is true that the most heavily populated sections of the country depend upon other areas for a large part of their meat supply. These needs are satisfied primarily with meat coming from Federally inspected plants, since generally only Federally inspected meat can be shipped across state lines.

This order has the purpose of increasing the amount of livestock slaughtered in Federally inspected plants, by decreasing the amount of slaughter in non-Federally inspected plants. This increased slaughter will better protect the requirements of the Armed Forces and other government needs and at the same time make available for shipment across state lines a larger proportion of the civilian meat supply.

Increasing the amount of meat available to civilians, coming out of Federally inspected plants, will be sought through production limitations on non-Federally inspected plants. These limitations will apply to all wholesale slaughter, slaughter by retailers, on a custom basis or otherwise, and by farmers. The latter group will however not be limited in their slaughter for purposes of home consumption.

It is the intent of this order that distribution of available meat supplies will be spread equitably among all areas and among all classes of trade who in the past had depended upon slaughterers for their meat supplies.

If necessary, the Office of Price Administration will issue additional regulations to effectuate the equitable distribution sought by this order.

How the order works. All slaughterers have been divided into three classes.

A Class 1 slaughterer is a slaughterer who operates a slaughtering establishment subject to Federal inspection.

A Class 3 slaughterer is a resident operator of a farm who slaughtered cattle, calves, sheep, lambs or swine, or had them slaughtered for him, and from which he sold or transferred during 1944, or during a 12-month period from January 1, 1944 to March 31, 1945, inclusive, not more than 6,000 pounds of meat.

Class 2 slaughterers include all other slaughterers. In this group would be included non-Federally inspected commercial slaughterers and retail slaughterers, as well as any persons other than Class 3 slaughterers who had livestock custom slaughtered for them in either a non-Federally inspected establishment or a Federally inspected establishment.

The present order does not place any limitations upon the operations of Class 1 slaughterers since such slaughterers are subject to the heavy set-aside orders for government procurement purposes. Their total production is limited by their facilities and by the availability of livestock, and the amount of meat which they have left for civilian use will, in general, be in a more normal relationship with that which other classes of slaughterers have available for the same purpose.

Class 3 slaughterers will have no limitations placed upon the amount of meat they slaughter for home consumption. They will be limited, however, in the amount of meat which they can deliver into commercial channels. This class will be permitted deliveries up to 100 per cent of the dressed weight of meat that was delivered during the four corresponding quarters of the calendar year 1944.

Class 2 slaughterers are required to register with the District Office of the Office of Price Administration and establish quota bases which represent the live weight slaughtered during the corresponding months of the accounting periods of the base year 1944.

The year 1944 was selected as the base year primarily because it was the most recent full calendar year, and because official records of slaughter for most slaughterers were required by several government agencies. An earlier year was not selected because substantial population shifts were taking place during the war period and most of them had taken place by January 1, 1944.

The quota percentages will be the percentages which the Class 2 slaughterers must apply to their quota bases in order to determine their quotas. These percentages will be changed from time to time as the supply picture changes, and

[1] 10 F.R. 8436, 8555, 8727, 8951.

as the set-aside percentages applicable to Class 1 slaughterers may be modified. The percentages will be as high as possible consistent with obtaining the necessary ratio between Federally inspected and non-Federally inspected civilian meat supplies in order to effect equitable civilian distribution.

It is contemplated that many of the Class 2 slaughterers will find it desirable to take some type of limited or complete Federal inspection. If they take full Federal meat inspection they will become Class 1 slaughterers, not subject to the quota limitations. If they secure limited Federal inspection they will be permitted to deliver any quantity of meat subject to such inspection to certain agencies of the United States government named in the order, without charge against their quotas.

Throughout the order the person who owns the livestock at the time of slaughter has been defined as the slaughterer. All persons owning livestock at the time of slaughter, however, do not operate slaughtering establishments. The person who slaughters livestock, which he does not own, for the owner of such livestock, is defined as a custom slaughterer. All persons other than Class 3 slaughterers who own livestock and have it custom slaughtered, either in a Federally inspected establishment or in a non-Federally inspected establishment, have been defined in the order as Class 2 slaughterers and are subject to identical quota limitations. Most persons who own livestock and have it custom slaughtered are engaged in a local meat processing or distributing business. A small percentage of these persons have had their livestock slaughtered in Federally inspected plants, and a substantial proportion of them have had their livestock slaughtered in non-Federally inspected plants. Most of these persons, whether they have livestock slaughtered in a Federally inspected establishment or a non-Federally inspected establishment, engage in similar operations and in order to effectuate the basic purposes of the order they have been classed together and treated similarly.

All of the above steps have been taken to effectuate the basic purpose of the order, which is to secure a more equitable distribution of civilian meat supplies. The quotas and other limitations have been set at minimums consistent with this basic purpose.

Sec.

1. Definition of terms "slaughtering establishment" and "slaughterer".
2. Outstanding slaughter permits revoked.
3. General restrictions on slaughter of livestock and transfers of meat.
4. Class 2 and Class 3 slaughterers must register with the Office of Price Administration.
5. Class 1 slaughterers are not restricted under this order.
6. Class 2 slaughterers are given slaughtering quota bases.
7. Class 3 slaughterers are given quotas for sales or transfers of meat.
8. Registration and computation of quota bases for Class 2 slaughterers and quotas for Class 3 slaughterers who were not in operation during all of 1944.
9. Establishment of quotas for Class 2 slaughterers.
10. Class 2 and Class 3 slaughterers may not slaughter livestock or transfer meat, in excess of quota.
11. Class 2 and Class 3 slaughterers who had livestock custom slaughtered for them in the base period.
12. Quotas of Class 2 slaughterers may be increased by transfers of meat to designated persons.
13. Sale or transfer of Class 2 or Class 3 slaughtering establishment.
14. Changes in operation from one type of slaughtering establishment to another.
15. Registration of new Class 1, Class 2, or Class 3 slaughterers.
16. Certain Class 3 slaughterers must file quarterly reports.
17. Applications may be made for adjustments.
18. Violation of Revised Ration Order 16 deemed to be a violation of this order.
19. Records, reports and inspections.
20. Appeals.
21. Definitions.

AUTHORITY: § 1407.307 issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–M, 7 F.R. 7234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319; War Food Order 123, 10 F.R. 1125, 4194.

SECTION 1. *Definition of the terms "slaughtering establishment" and "slaughterer".* (a) *Class 1 slaughtering establishment.* Any place subject to "federal inspection" at which a "person" slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock, is a "Class 1 slaughtering establishment".

(b) *Class 2 slaughtering establishment.* Any place not subject to federal inspection, other than a "Class 3 slaughtering establishment", at which a person slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock is a "Class 2 slaughtering establishment".

(c) *Class 3 slaughtering establishment.* Any place, other than a Class 1 slaughtering establishment, at which a person slaughters cattle, calves, sheep, lambs or swine and from which he sold or "transferred" during each consecutive twelve month period from January 1, 1944 to March 31, 1945, inclusive, not more than 6,000 pounds of "meat" which he, as the resident operator of a farm, slaughtered on that farm (or had slaughtered for him) is a "Class 3 slaughtering establishment".

(d) *Class 1 slaughterer.* Any person who has a Class 1 slaughtering establishment is a "Class 1 slaughterer".

(e) *Class 2 slaughterer.* Any person who has a Class 2 slaughtering establishment is a "Class 2 slaughterer".

(f) *Class 3 slaughterer.* Any person who has a Class 3 slaughtering establishment is a "Class 3 slaughterer".

(g) *Custom slaughterer.* A "custom slaughterer" is any person, including a Class 1, Class 2 or Class 3 slaughterer, who slaughters cattle, calves, sheep, lambs or swine not owned by him for the owner of such livestock. However, a person who slaughters livestock owned by a Class 3 slaughterer at the livestock owner's Class 3 slaughtering establishment is not a custom slaughterer with respect to such slaughter.

(h) *Additional Class 2 slaughterers.* Any person, other than a Class 3 slaughterer, who has cattle, calves, sheep, lambs or swine which he owns slaughtered for him by a custom slaughterer, is a Class 2 slaughterer with respect to any such livestock.

(i) *Slaughterers who have more than one slaughtering establishment must operate them separately.* If a slaughterer has more than one slaughtering establishment, they are treated and must be operated separately, for all the purposes of this order, just as if they were owned by different persons. However, where a slaughterer does not operate at a fixed place, his slaughtering operations as a whole are regarded as a single establishment.

SEC. 2. *Outstanding slaughter permits revoked.* (a) All livestock slaughter licenses and permits issued to Class 2 or Class 3 slaughterers pursuant to War Food Order 75 or War Food Order 75–1 are revoked.

SEC. 3. *General restrictions on slaughter of livestock and transfers of meat.* (a) Notwithstanding the provisions of any contract or other agreement:

(1) Beginning April 30, 1945, no person may slaughter cattle, calves, sheep, lambs or swine except in accordance with the provisions of this order.

(2) Beginning April 30, 1945, no Class 2 slaughterer may slaughter cattle, calves, sheep, lambs or swine, other than as a custom slaughterer, unless he has a quota under the provisions of this order.

(3) Beginning May 14, 1945, no Class 3 slaughterer may sell or transfer meat resulting from his slaughter of cattle, calves, sheep, lambs or swine, or from slaughter for him by a custom slaughterer of such livestock, unless he has been granted a permit and quota under the provisions of this order.

(4) Beginning April 30, 1945, no custom slaughterer may slaughter cattle, calves, sheep, lambs or swine for any Class 2 slaughterer unless such slaughterer has a quota under the provisions of this order.

(5) Beginning May 14, 1945, no custom slaughterer may slaughter cattle, calves, sheep, lambs or swine for any Class 3 slaughterer, except for household consumption in accordance with the provisions of section 3.4 of Revised Ration Order 16, unless such slaughterer has a permit and quota under the provisions of this order.

(6) Beginning May 15, 1945, no person, other than a Class 1 slaughterer, may slaughter cattle, calves, sheep, lambs or swine, or sell or transfer meat resulting from his slaughter of such livestock, or from slaughter for him by a custom slaughterer of such livestock, unless he has registered in accordance with the provisions of section 4 of this order.

(b) Notwithstanding any other provision of this order, any person may slaughter livestock in accordance with the provisions of Section 3.1 of Revised

Ration Order 16 for consumption in his own household or on a farm he operates, and may custom slaughter cattle, calves, sheep, lambs or swine primarily for household consumption in accordance with the provisions of section 3.4 of Revised Ration Order 16.

SEC. 4. *Class 2 and Class 3 slaughterers must register with the Office of Price Administration*—(a) *Class 2 slaughterers.* Between April 30, 1945 and May 14, 1945, inclusive, each Class 2 slaughterer must register each of his slaughtering establishments separately with the District Office for the place where that establishment is located. His registration must be made on OPA Form R–315, and must contain the following information:

(1) His name, and the name and address of his establishment.

(2) The live weight of all cattle, calves, sheep, lambs and swine, stated separately for each such species, which he slaughtered, and which he had custom slaughtered for him, during each base period in 1944. For this purpose, he may adopt any one of the following types of base periods, and must indicate which type he uses:

(i) Calendar months;

(ii) Consecutive 4 week periods; or

(iii) A system which divides the fiscal year into either 4 or 5 periods of 5 consecutive weeks and either 7 or 8 periods of 4 consecutive weeks.

However, if he made reports during 1944 to the Office of Price Administration under Ration Order 16 or Revised Ration Order 16 on OPA Form R–1606, R–1606 (Revised), or R–1607, he must use the same base periods as the reporting periods used in those reports.

(3) The name and address of each owner of cattle, calves, sheep, lambs or swine, for whom he custom slaughtered livestock during each such base period, and the live weight of each such species custom slaughtered by him for such owner during each such base period.

(4) The name and address of each custom slaughterer who slaughtered cattle, calves, sheep, lambs and swine for him during each base period of 1944, and the live weight of each such species slaughtered for him by such custom slaughterer during each such base period.

(5) The number of any license or permit he had under War Food Order 75.

(6) The base periods for which he reported to the Office of Price Administration on OPA Form R–1606, R–1606 (Revised), R–1607, or R–1609, pursuant to Ration Order 16 or Revised Ration Order 16, all or part of the quantity of the livestock included in (2) and (4), and surrendered all points required with respect to his sales or transfers of the meat resulting from such livestock.

(7) In which, if either of the following ways the quantity of livestock included in (2) was reported:

(i) To the War Food Administration under War Food Order 75 or War Food Order 75–1; or

(ii) To the Defense Supplies Corporation in connection with an application for subsidy pursuant to Defense Supplies Corporation General Regulation No. 3.

(8) In addition, each Class 2 slaughterer must state for each of his establishments his interim quota base for each of his reporting periods included in the period April 30, 1945 through June 30, 1945, computed in accordance with the provisions of section 6 (a).

(b) *Class 3 slaughterers.* Before July 1, 1945, each Class 3 slaughterer must register each of his slaughtering establishments separately with the Board for the place where that establishment is located. Any Class 3 slaughterer who sold or transferred no meat, or not more than 400 pounds of meat, during all the base periods specified in (3) below, may request a permit and quotas totalling any quantity up to and including 400 pounds. He must register on OPA Form R–315, and state the total of the quotas desired, and how he wishes that amount divided among the four base periods. In addition, he must state his name and address, and give the number of any license or permit he had under War Food Order 75. Each other Class 3 slaughterer must register on OPA Form R–315, and must give the following information:

(1) His name, and the name and address of his establishment.

(2) The number of any license or permit he had under War Food Order 75.

(3) The quantity of meat, in pounds, resulting from his slaughter of cattle, calves, sheep, lambs and swine, and from slaughter of such livestock for him by a custom slaughterer, which he sold or transferred during each of the following periods, called "base periods":

(i) January, February and March 1944;

(ii) April, May, June, 1944;

(iii) July, August, September, 1944;

(iv) October, November, December, 1944.

(4) The quantity of meat, in pounds, resulting from his custom slaughter of cattle, calves, sheep, lambs or swine for the owners of such livestock which he transferred to such owner during each base period.

(5) The quantity of meat in (3) above, resulting from custom slaughter of livestock for him during each base period, and the name and address of the custom slaughterer who did such slaughtering.

(6) The calendar months in 1944 for which he reported to the Office of Price Administration on OPA Form R–1606, R–1606 (Revised), R–1607, or R–1609, pursuant to Ration Order 16 or Revised Ration Order 16, all or part of the quantity of meat included in (3) and surrendered all points required with respect to his sales or transfers of such meat.

(c) Any Class 1 or Class 2 slaughterer may, if he wishes, register and operate as a Class 3 slaughterer. If he does so, he must register in the way described in (b). However, the maximum quantity of meat he may report for all his base periods is 6,000 pounds, and the total of his quotas under section 7 for any twelve month period may not exceed 6,000 pounds.

SEC. 5. *Class 1 slaughterers are not restricted under this order.* (a) Any person who was licensed by the War Food Administration as a Class 1 slaughterer on April 29, 1945, and any other person who becomes a Class 1 slaughterer, on or after April 30, 1945, may slaughter cattle, calves, sheep, lambs and swine without restriction as to quantity. (However, a Class 2 or Class 3 slaughterer who becomes a Class 1 slaughterer on or after April 30, 1945, must receive permission to register as a Class 1 slaughterer, in accordance with section 14 (a) before he may slaughter livestock as a Class 1 slaughterer.

SEC. 6. *Class 2 slaughterers are given slaughtering quota bases*—(a) *Interim quota bases.* Each Class 2 slaughterer who slaughtered cattle, calves, sheep, lambs or swine, or had such livestock custom slaughtered for him, during 1944, has an interim quota base for each such species of livestock for each of his quota periods included in the period from April 30, 1945 to June 30, 1945, inclusive, to the extent to which, during the corresponding base periods, he surrendered to the Office of Price Administration, or to a custom slaughterer who slaughtered livestock for him, all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales and transfers of the meat resulting from such slaughter. He may adopt any one of the following types of quota periods:

(1) Calendar months; or

(2) Consecutive 4 week periods; or

(3) A system which divides the fiscal year into either 4 or 5 periods of 5 consecutive weeks, and either 7 or 8 periods of 4 consecutive weeks. However, the quota periods adopted by any Class 2 slaughterer must correspond to the periods adopted by him in his registration under section 4 (a) as his base periods. His interim quota base for each species of livestock for any full quota period included in the period April 30, 1945, to June 30, 1945, inclusive, is the live weight of the livestock of that species slaughtered by him, or custom slaughtered for him, in the corresponding base period of 1944, to the extent to which he surrendered to the Office of Price Administration or to a custom slaughterer who slaughtered livestock for him, all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales and transfers of the meat resulting from such slaughter. His interim quota base for each species of livestock for any incomplete quota period included in the period April 30, 1945 to June 30, 1945, inclusive, is that part of the interim quota base he would have for the full quota period which that part of the quota period included in the period April 30, 1945 to June 30, 1945, inclusive, is of the full quota period. However, in determining his interim quota bases for the period April 30, 1945, to June 30, 1945, inclusive, each Class 2 slaughterer must exclude from the live weight of livestock slaughtered by him during the base period, the live weight of any livestock custom slaughtered by him for the owner of such livestock.

(b) *Permanent quota bases.* After a Class 2 slaughterer has registered on OPA Form R–315 in accordance with the provisions of section 4 (a) the District Office will assign to him quota bases for each species of livestock for each of his quota periods beginning after June 30,

1945, and for that part of any incomplete quota period after June 30, 1945, which includes July 1, 1945. Such quota bases shall be the live weight of each species of livestock which the District Office finds the slaughterer slaughtered, or had custom slaughtered for him, during each of the slaughterer's corresponding base periods, and to the extent to which the District Office finds he surrendered to the Office of Price Administration, or to a custom slaughterer who slaughtered livestock for him, during the corresponding base periods all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales and transfers of the meat resulting from such slaughter. The quota base for any incomplete quota period including July 1, 1945, shall be that part of the permanent quota base he would have for the full quota period which the part of the incomplete quota period after June 30, 1945 is of the full quota period. However, in determining the live weight of livestock slaughtered by any Class 2 slaughterer during any base period the District Office shall exclude any quantities which it finds the slaughterer custom slaughtered for the owner of such livestock.

SEC. 7. *Class 3 slaughterers are given quotas for sales or transfers of meat.* (a) Each Class 3 slaughterer who, during 1944, sold or transferred meat resulting from his own slaughter of cattle, calves, sheep, lambs or swine, or from custom slaughter for him of such livestock, shall, after he had registered on OPA Form R–315 in accordance with the provisions of section 4 (b), be issued a permit (OPA Form MC–1) and assigned quotas for such sales or transfers of meat for each quota period beginning on or after May 15, 1945, to the extent to which, during the corresponding base periods, he surrendered to the Office of Price Administration, or to a custom slaughterer who slaughtered livestock for him, all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales and transfers of such meat. The quota periods for Class 3 slaughterers shall be the quarterly periods corresponding to the base periods set out in section 4 (b) (3). However, the period May 14, 1945 to June 30, 1945, inclusive, shall be deemed, with respect to Class 3 slaughterers, to be one-half of a full quota period. The quota for any Class 3 slaughterer for any quota period shall be the quantity of meat, in pounds, resulting from his own slaughter of livestock, or from custom slaughter of livestock for him, which the Board finds the slaughterer sold or transferred during the corresponding base period, to the extent to which the Board finds he surrendered to the Office of Price Administration or to a custom slaughterer who slaughtered livestock for him, during the corresponding base periods, all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales and transfers of such meat. However, in determining the quantity of meat sold or transferred by the slaughterer during any base period, the Board shall exclude any meat resulting from his custom slaughter for the owner of livestock which it finds the slaughterer transferred to the owner of such livestock.

(b) Any Class 3 slaughterer who, during any base period, sold or transferred meat resulting from his slaughter of livestock, or from custom slaughter of livestock for him, but who is not entitled, under (a) above, to all or part of a quota for the corresponding quota period because he did not surrender to the Office of Price Administration, or to a custom slaughterer who slaughtered livestock for him, all points required to be surrendered under Ration Order 16 or Revised Ration Order 16 with respect to his sales or transfers of meat during the base period, may become entitled to a full quota for that period by signing and filing with his Board OPA Form MC–2. After he has so filed OPA Form MC–2, he may be granted a quota computed in accordance with paragraph (a) of this Section, without regard to his failure to surrender all points required to have been surrendered with respect to his sales and transfers of meat during the corresponding base period.

(c) The quota for any Class 3 slaughterer who sold or transferred no meat, or not more than 400 pounds of meat, during all his base periods shall be the quantity requested by him (but not more than 400 pounds), which is to be divided among the four base periods in the way requested.

SEC. 8. *Registration and computation of quota bases for Class 2 slaughterers and quotas for Class 3 slaughterers who were not in operation during all of 1944.* (a) Any Class 2 or Class 3 slaughterer whose establishment was not in operation during each base period of 1944, and which was in operation at some time from January 1, 1944 through March 31, 1945, may apply to the District Office for the place where his establishment is located for the assignment to him of a quota base, or quota, for any base period in which he was not in operation for the entire base period. He must apply on OPA Form R–315, and must state:

(1) The base periods during which he was not in operation at any time during the base period;

(2) The base periods during which he was in operation for only part of the base period, and the number of days he was in operation in each such period; and

(3) The live weight of each species of livestock slaughtered by him, or custom slaughtered for him, or the quantity of meat in pounds resulting from his slaughter of livestock, or from custom slaughter of livestock for him, sold or transferred by him, as the case may be, in each base period in which he was in operation.

The District Office will pass upon such applications in accordance with instructions from the Washington Office.

SEC. 9. *Establishment of quotas for Class 2 slaughterers.* (a) Each Class 2 slaughterer who has a quota base shall have, for each complete or incomplete quota period beginning on or after April 30, 1945, a quota for slaughter of livestock. The quota of any such slaughterer for any quota period is determined by multiplying his quota base for that period by the applicable percentage, set out in a supplement to this order.

SEC. 10. *Class 2 and Class 3 slaughterers may not slaughter livestock or transfer meat in excess of quota.* (a) No Class 2 slaughterer may slaughter, except as a custom slaughterer, during any complete or incomplete quota period beginning on or after April 30, 1945, more live weight of livestock of any species than his quota for that species for that period. However, if any such slaughterer does not slaughter his entire quota for any species during any quota period, he may use the unused part of that quota, up to a maximum of 5 percent of that quota, during the next quota period.

(b) No Class 3 slaughterer may sell or transfer, during any quota period beginning on or after May 14, 1945, more meat resulting from his own slaughter of livestock (excluding to the owner of livestock transfers of meat resulting from custom slaughter of livestock by the Class 3 slaughterer for the owner of such livestock), or from custom slaughter of livestock for him, than his quota for that period. However, if any such slaughterer does not, during any quota period, sell or transfer the quantity permitted under his quota for that period, he may use the unused part of that quota, up to a maximum of 5 percent of that quota, during the next quota period.

(c) If any Class 2 slaughterer, during any quota period, slaughters livestock of any species in excess of his quota for that species for that period (including any carryover from the preceding period in accordance with (a) above), his quota for that species for the next period, shall be reduced by the amount of the excess. If the amount of the excess is greater than his quota for that species for that period, he may not use any part of his quota for that species for that period, nor for any succeeding period until the total of his subsequent quotas for that species exceeds the amount of the excess.

(d) If any Class 3 slaughterer, during any quota period, sells or transfers meat resulting from his slaughter of livestock, or from custom slaughter of livestock for him, in excess of his quota for that period (including any carryover from the preceding period in accordance with (b) above), his quota for the next period shall be reduced by the amount of the excess. If the amount of the excess is greater than his quota for the next period, he may not use any part of his quota for that period, nor for any succeeding period until the total of his subsequent quotas exceeds the amount of the excess.

SEC. 11. *Class 2 and Class 3 slaughterers who had livestock custom slaughtered for them in the base period.* (a) Any Class 2 slaughterer whose quota base includes the live weight of cattle, calves, sheep, lambs or swine slaughtered for him during the base period by a custom slaughterer, may use that part of any quota based upon such slaughter only to the extent to which he has the same custom slaughterer slaughter such livestock for him during the quota period.

(b) Any Class 3 slaughterer whose quota base includes sales or transfers of

meat resulting from slaughter of livestock for him by a custom slaughterer, may use that part of any quota based upon transfers of such meat only to the extent to which he sells or transfers meat resulting from custom slaughter of livestock for him by the same custom slaughterer.

(c) If the business of a custom slaughterer is transferred to another person for continued operation, any Class 2 or Class 3 slaughterer who is permitted under (a) or (b) to use all or part of his quota only to the extent to which he has that custom slaughterer slaughter livestock for him, may continue to use that part of his quota only to the extent to which he has the transferee of the custom slaughterer slaughter livestock for him, just as if the transferee were the original custom slaughterer.

(d) If a custom slaughterer, or his transferee, refuses or is unable to continue to slaughter for such a Class 2 or Class 3 slaughterer, the Class 2 or Class 3 slaughterer may apply to the District Office or the Board with which he is registered for permission to have his livestock slaughtered by himself or by another custom slaughterer. The application must be made on OPA Form R–315 and must show:

(1) The name and address of the slaughterer who custom slaughtered for him during the base period;

(2) The reasons why such custom slaughterer will no longer slaughter for him;

(3) Where, and by whom, such slaughter will be done for him. If the Board or the District Office finds that the custom slaughterer refuses or is unable to continue to slaughter for the applicant, it shall permit him to slaughter his livestock himself, or to have it slaughtered by the custom slaughterer named in his application. However, the Class 2 or Class 3 slaughterer must continue to serve the same general class of customers in the same area that he had served previously. If he is permitted to have another custom slaughterer slaughter for him, he shall be subject, with respect to that custom slaughterer to the provisions of (a) or (b) of this section just as if that custom slaughterer had slaughtered livestock for him during his base period.

SEC. 12. *Quotas of Class 2 slaughterers may be increased by transfers of meat to designated persons.* (a) The quota of a Class 2 slaughterer shall be increased to the extent to which he sells or transfers meat resulting from his slaughter of cattle, calves, sheep, lambs or swine, or from custom slaughter of such livestock for him, to any of the following:

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States (excluding post exchanges, ships' service departments, sales commissaries, and similar organizations):

(2) The War Food Administration;

(3) The War Shipping Administration;

(4) The Veterans Administration; and

(5) Contract schools as defined in War Food Order No. 73, and ship suppliers, as defined in War Food Order 74, when acquiring meat in accordance with the provisions of those orders;

(6) Any person who is under contract to sell or transfer meat set aside under War Food Order 75–2 or War Food Order 75–3, or products prepared in whole or part therefrom, to any person or agency listed in (1), (2), (3), (4), and (5), of paragraph (a) of this section.

(b) Any person or agency listed in paragraph (a) to which a Class 2 slaughterer sells or transfers meat resulting from his own slaughter of livestock or from custom slaughter of livestock for him shall give to the slaughterer, within five days after the transfer, a statement in writing showing the quantity and type of meat acquired by it, the date on which it was acquired, and the name and address of the slaughterer from whom it was acquired. In addition, a person designated in paragraph (a) (6) must state the number of the contract under which the meat is to be transferred. When the Class 2 slaughterer has received this statement he shall compute the live weight of the livestock from which the meat so transferred was derived, and may use that quantity, in addition to his quota, during the quota period in which he receives such statement from the agency which acquired the meat. He must, within thirty days after the quota period in which he receives such statements report, in writing, to the District Office with which he is registered, the names and addresses of any persons or agencies listed in (a) to which he transferred meat, the types and quantities so transferred, and the additional live weight of livestock he slaughtered in that quota period based on such transfers of meat.

SEC. 13. *Sale or transfer of Class 2 or Class 3 slaughtering establishment.* (a) When any Class 2 or Class 3 slaughterer sells or transfers to any other person his slaughtering establishment for continued operation, he and the transferee must notify the Board or District Office at which the establishment is registered. The notice must be given in writing within five days after the sale or transfer and must show:

(1) The name and address of the establishment and of the persons transferring and acquiring it;

(2) The quotas, or quota bases, of the slaughterer;

(3) Whether the transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer.

(b) If the Board or District Office where the establishment is registered finds that the establishment will continue to be operated in the same manner as before the transfer, and that the transferee will continue to serve from that establishment the same general class of customers in the same area served by it before the transfer, it shall assign the quotas, or quota bases, of the transferor to the transferee for that establishment.

(c) The transferee of a Class 2 slaughterer may slaughter cattle, calves, sheep, lambs or swine during the balance of the quota period in which the transfer takes place only to the extent of the unused portion of the quota of his transferor for that period. The transferee of a Class 3 slaughterer may sell or transfer meat derived from his slaughter of cattle, calves, sheep, lambs or swine, or from custom slaughter for him of such livestock, during the balance of the quota period in which the transfer takes place, only to the extent of the unused portion of the quota of his transferor for that period.

(d) If a Class 1, Class 2 or Class 3 slaughterer wishes to move all or part of the business of the establishment to another place, the moving is to be treated as a transfer to a different person under (a), (b) and (c) of this section. For this purpose, the place from which the establishment is to be moved is considered the transferor, and the place to which it is to be moved is considered the transferee.

SEC. 14. *Changes in operation from one type of slaughtering establishment to another.* (a) Any Class 2 or Class 3 slaughterer who has obtained Federal inspection for his establishment may apply to the District Office for the place where the establishment is located, for permission to register as a Class 1 slaughterer. He must apply, on OPA Form R–315, and state his name, the name and address of his establishment, that his establishment is subject to Federal inspection, and his establishment number. If the District Office finds that his establishment is subject to Federal inspection, it shall accept the application as his registration as a Class 1 slaughterer, and shall cancel his former registration as a Class 2 or Class 3 slaughterer.

(b) Any Class 2 slaughterer may apply for permission to reregister and operate as a Class 3 slaughterer. He must apply, on OPA Form R–315, to the District Office with which he is registered, and must state that he wishes to operate as a Class 3 slaughterer, and must give the amount of the quotas desired, up to a maximum of 6,000 pounds for any calendar year, and the way he wishes that amount divided among his quota periods. If the District Office finds that the applicant will operate as a Class 3 slaughterer, it shall cancel his original registration and the quota bases established for him. The applicant shall then be permitted to register the establishment as a Class 3 slaughtering establishment with the Board for the place where it is located in accordance with the provisions of section 4 (c), and shall be assigned quotas as a Class 3 slaughterer in accordance with section 7 of this order. The total of his quotas for any calendar year may not exceed 6,000 pounds, which may be divided among his quota periods as he desires.

(c) No Class 3 slaughterer may reregister as a Class 2 slaughterer, except in accordance with the provisions of section 15 covering registration of new Class 2 slaughterers.

SEC. 15. *Registration of new Class 1, Class 2, or Class 3 slaughterers.* (a) Any person may open a Class 1 slaughtering establishment on or after April 30, 1945, and operate as a Class 1 slaughterer. (However, if he was registered as a Class 2 or Class 3 slaughterer with respect to that place, he must request

permission to register as a Class 1 slaughterer in accordance with section 14 (a).)

(b) Any person who wishes to open a Class 2 or Class 3 slaughtering establishment (other than an establishment of the type referred to in section 7 (b)), which he did not operate at any time between January 1, 1944 and March 31, 1945, may apply for registration as a Class 2 or Class 3 slaughterer and for assignment to him of quotas or quota bases. Generally, no such application will be granted unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort, or is essential to meet civilian needs in the area it will serve; and

(2) The products it will produce cannot be obtained from any other source in the area to be supplied.

(c) The application must be made on OPA Form R–315 and must be filed with the Board (for a Class 3 establishment), or with the District Office (for a Class 2 establishment) for the place where the applicant's establishment is or will be located.

(d) The application must show:

(1) A brief description of the establishment.

(2) The amount invested or intended to be invested in it.

(3) The quotas or quota bases which he wants, stated separately, for a Class 2 slaughtering establishment, with respect to each species of livestock.

(4) The general class of customers and the area which he intends to serve.

(e) The Board may not pass on the application, but must forward it, together with all information received, to the District Office. It may attach its recommendation, if any, as to the action to be taken. The District Office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(f) A Class 2 or Class 3 slaughterer who already has a quota, may not open another slaughtering establishment and use his quota there, unless he applies under this section and is given permission to do so.

SEC. 16. *Certain Class 3 slaughterers must file quarterly reports.* (a) Any Class 3 slaughterer who has a quota for any quota period but who is not required to report under section 4.11 (b) of Revised Ration Order 16 because he made no sales or transfers of meat in any month in that quota period, must, within 15 days after the end of that quota period, state in writing to his Board that he made no sales or transfers of meat during the quota period. If, within 15 days after the end of any quota period for which he has a quota, a Class 3 slaughterer has not filed any reports pursuant to section 4.11 (b) of Revised Ration Order 16 of his sales or transfers of meat, and surrendered points therefor, and has not stated in writing that he made no such sales or transfers of meat during that quota period, the Board shall serve him with a notice, personally or by registered mail. The notice shall state that the slaughterer must, within 30 days from the date of service of such notice, satisfy the Board that he made no sales or transfers of meat during that quota period, or show good cause for failure to file reports, and surrender points, as required under section 4.11 (b) of Revised Ration Order 16, and file such reports and surrender such points, and that if he fails to do so, his permit and quotas under this order will be revoked forthwith.

(b) If a Class 3 slaughterer, within 30 days after service of a notice sent him pursuant to (a), complies with the terms of such notice, the Board shall permit him to continue to operate under the permit and quotas he has under this order. If a Class 3 slaughterer, within 30 days after service of such notice, fails to comply with the terms of such notice, the Board shall revoke his permit and quotas forthwith.

SEC. 17. *Applications may be made for adjustments.* (a) Any Class 1, Class 2 or Class 3 slaughterer, or custom slaughterer, who needs an adjustment in his quotas or quota bases, or other relief, may apply on OPA Form R–315, to the Board or District Office with which he is registered. If he is not required to be registered under this order, he may apply to the Board for the place where his principal business office is located. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the Board, or District Office requests.

(b) A Board may not act upon any application under this section. It must send the application, together with all other information received, to the District Office. It may attach its recommendation as to the action to be taken. The District Office shall send the file to the "Washington Office" for the decision, or take such other action as the Washington Office may authorize or direct.

SEC. 18. *Violation of Revised Ration Order 16 deemed to be a violation of this order.* Any violation of any provision of Revised Ration Order 16 by a Class 1, Class 2, or Class 3 slaughterer, or custom slaughterer, shall be deemed a violation of this order, and shall be ground for revocation or suspension of any permit, quota base, quota, or other privilege, granted under this order.

SEC. 19. *Records, reports and inspections.* (a) Each Class 2 slaughterer must keep, at each of his establishments, a record showing, for that establishment:

(1) The live weight of all cattle, calves, sheep, lamps, or swine, stated separately for each such species, which he slaughtered during each quota period.

(2) The name and address of each person for whom he custom slaughtered cattle, calves, sheep, lambs or swine, and the live weight of each such species of livestock which he custom slaughtered during each quota period for that person.

(3) The name and address of each person who custom slaughtered cattle, calves, sheep, lambs and swine for him, and the live weight of each such species of livestock custom slaughtered for him during each quota period by that person.

In addition, he must keep at that establishment all statements received under section 12 (b) covering sales or transfers of meat to any of the persons designated in section 12 (a). He must also keep a copy of his registration under this order, and the records upon which that registration was based.

(b) Each Class 3 slaughterer must keep, at each of his establishments, a record showing, for that establishment:

(1) The quantity of meat, in pounds, resulting from his slaughter of cattle, calves, sheep, lambs and swine, and from slaughter of such livestock for him by a custom slaughterer, which he sold or transferred during each quota period.

(2) The quantity of meat, in pounds, resulting from his custom slaughter of cattle, calves, sheep, lambs and swine for the owners of such livestock, which he transferred to such owners during each quota period, the name and address of each such owner, and the amount of meat in pounds transferred during the quota period to him.

(3) The quantity of meat in (1) above, resulting from the custom slaughter of livestock for him by a custom slaughterer, the name and address of each such custom slaughterer, and the amount of meat sold or transferred by him resulting from slaughter by that custom slaughterer.

He must also keep a copy of his registration under this order, and the records upon which that registration was based.

(c) Every person must keep, for at least two years, all records required under this order.

(d) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at an time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

(e) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where livestock is slaughtered, and any place at which a Class 1, Class 2 or Class 3 slaughtering establishment is located.

(f) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

(g) The District Office for the place where a person is registered, or is required to be registered, may, for good cause, give him additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the District Office. He must explain, in his application, why he needs more time.

The District Office may impose any conditions it finds proper, when it grants such an extension of time.

(h) The Washington Office, a Board, or a District Director or Regional Administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 20. *Appeals.* (a) Any person directly affected by the action of a Board, District Director or Regional Administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 15 or 17, except action taken by a Board, District or Regional Office which has been authorized by the Office of Price Administration to grant or deny such application.

SEC. 21. *Definitions.* (a) When used in this order:

"Board" means a War Price and Rationing Board established by the Office of Price Administration.

"Class 1 slaughterer" means any person who has a Class 1 slaughtering establishment.

"Class 2 slaughterer" means any person who has a Class 2 slaughtering establishment.

"Class 3 slaughterer" means any person who has a Class 3 slaughtering establishment.

"Class 1 slaughtering establishment" means any place subject to "federal inspection" at which a "person" slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs, or swine which he slaughters there for the owner of such livestock.

"Class 2 slaughtering establishment" means any place not subject to federal inspection, other than a Class 3 slaughtering establishment, at which a person slaughters cattle, calves, sheep, lambs or swine, other than cattle, calves, sheep, lambs or swine which he slaughters there for the owner of such livestock.

"Class 2 slaughtering establishment" means any place, other than a Class 1 slaughtering establishment, at which a person slaughters cattle, calves, sheep, lambs or swine and from which he sold or transferred during each consecutive twelve month period from January 1, 1944 to March 31, 1945, inclusive, not more than 6,000 pounds of meat which he, as the resident operator of a farm, slaughtered on that farm (or had custom slaughtered for him).

"Custom slaughterer" means any person, including a Class 1, Class 2, or Class 3 slaughterer, who slaughters cattle, calves, sheep, lambs or swine not owned by him for the owner of such livestock. However, a person who slaughters livestock owned by a Class 3 slaughterer at the livestock owner's Class 3 slaughtering establishment is not a custom slaughterer with respect to such slaughter.

"District Office" means a District Office established by the Office of Price Administration.

"Federal Inspection" means inspection under the provisions of the Act of March 4, 1907 (34 Stat. 1260), as amended, 21 U. S. C. 71, and as extended by Public Law 602, 77th Cong. 2d Sess., Approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

"Livestock" means cattle, calves, sheep, lambs and swine.

"Meat" means the carcass or any edible part of the carcass of cattle, calves, sheep, lambs or swine, including edible offal, bones and skins. It includes any other edible product containing more than twenty per cent, by weight, of the above items.

"Person" means not only an individual but also a partnership, corporation, association or business trust. It includes a government, government agency and any other organized group or enterprise.

"Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer or possession of title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of foods covered by this order, which he produced or holds for sale or transfer is considered a transfer of those foods to himself. Where foods ordered by a transferee are delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the foods to the transferee has previously occurred, the foods are considered to be transferred at the time when they are delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

"Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

This order shall become effective April 30, 1945.

NOTE: All reporting and record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6651; Filed, Apr. 25, 1945; 4:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580,[1] Amdt. 4]

RETAIL CEILING PRICES FOR CERTAIN APPAREL AND HOUSE FURNISHINGS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 13 of Maximum Price Regulation No. 580 is amended to read as follows:

SEC. 13. *How suppliers may apply for ceilings for resale of branded articles.* The OPA may by order, upon application by a manufacturer or a wholesaler of an article sold under his own brand name, establish ceiling prices for retail sales of the article.

(a) *Who may apply.* A manufacturer or wholesaler of a branded article may apply under this section if he can show that:

(1) His brand name was advertised to consumers in publications or by radio, both before and after March 1942, in all parts of the country in which the articles included in his application are sold; and

(2) Both before and after March 1942, he suggested uniform retail prices for branded articles; and

(3) His branded articles as to which he makes application were uniformly sold at suggested prices immediately prior to the issuance of this regulation.

(b) *How to apply.* A manufacturer or wholesaler meeting the requirements of paragraph (a) must file two signed copies of an application with the OPA Consumer Goods Price Division, Washington 25, D. C.

In the application the manufacturer or wholesaler shall state the following:

(1) His business name and address.

(2) A description of each of the branded articles for which he requests establishment of a maximum resale price for retail sales, including:

(i) The brand name.

(ii) The style or lot number.

(iii) His own ceiling price.

(iv) An identification of the regulation and the section in that regulation or the identification of the order issued by the Office of Price Administration under which his ceiling price was established.

(3) The uniform ceiling price requested for retail sales of each branded article.

The manufacturer or wholesaler must also submit with his application evidence supporting his claim to have followed the practice described in paragraph (a) (1) and (2) as to the branded products to which the application relates. (This evidence need be attached to only one copy of the application.) In addition, he must include a certification, signed by him or his duly authorized agent, stating that each branded article to which the application relates, was sold at retail immediately prior to the issuance of this regulation, only at his suggested price, except in isolated instances such as end-of-season clearance sales and sales of odd lots.

(c) *How applications will be granted.* If a manufacturer or wholesaler has shown that he meets all the requirements of paragraph (a), and if the maximum prices he requests are no higher than the level of maximum prices under this regulation, the OPA will issue an order fixing maximum prices for the sale by any seller of such products at retail. Whereupon, the articles for which the order fixes maximum prices for sales at retail need no longer be priced under sections 7, 10, 11 and 12. However, until the order is effective, Sections 7, 10, 11 and 12 remain applicable.

This amendment shall become effective April 25, 1945.

NOTE: The reporting and record-keeping provisions of this amendment have been ap-

[1] 10 F.R. 3015, 3468, 3642.

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6649; Filed, Apr. 25, 1945; 4:25 p. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 4—FELLOWSHIPS IN TEACHER EDUCATION FOR TEACHERS FROM THE OTHER AMERICAN REPUBLICS

RESCISSION OF REGULATIONS

The above regulations of the Office of Education, (9 F.R. 10503), are hereby rescinded.

Hereafter the above matter will be dealt with under the Department of State regulations published in 9 F.R. 10243, as Title 22, Part 28, Code of Federal Regulations.

Issued this 2d day of April 1945.

J. W. STUDEBAKER,
U. S. Commissioner of Education.

Approved: April 3, 1945.

WATSON B. MILLER,
Acting Administrator,
Federal Security Agency.

Approved: April 21, 1945.

E. R. STETTINIUS, Jr.,
Secretary of State.

[F. R. Doc. 45-6697; Filed, Apr. 26, 1945; 11:44 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 104, Amdt. 7]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1945.

Upon further consideration of the provisions of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270, 11852, 12100, 9 F.R. 947, 9295) and good cause appearing therefor:

It is ordered, That Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended, be, and it is hereby, further amended by adding the following provisions:

(h) *Temporary additional territories.* (1) Carload shipments of ammonium nitrate in bags from points in the United States to Dinamita, Mexico, shall be subject to all the provisions of this order.

(2) Carload shipments of peat moss from points in British Columbia, Canada, to destinations in the States of Arizona and California shall be subject to all the provisions of this order.

(3) Carload shipments of flour from points in the States of Idaho, Montana, Oregon and Washington to destinations in the State of California shall be subject to all the provisions of this order.

(i) *Effective date.* This amendment shall become effective at 12:01 a. m., April 26, 1945.

(j) *Expiration date.* This amendment shall expire at 11:59 p. m., May 31, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17)

It is further ordered, That a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-6684; Filed, Apr. 26, 1945; 11:28 a. m.]

[S. O. 304]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR CARLOAD GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1945.

It appearing, that there is a critical shortage of box cars and that the Director of the Office of Defense Transportation has directed a letter to this Commission stating, "It is both desirable and necessary that some system of embargo, subject to permits, be established at once on shipments of grain to increase the supply of box cars for loading such grain," in the opinion of the Commission an emergency requiring immediate action exists in the sections of the country described in this order. It is ordered, that:

(a) *Definitions.* (1) The term "grain" as used herein shall mean wheat, corn, rye, oats, barley, and flaxseed only.

(2) The term "permit" as used herein shall mean a written authorization issued by the permit agent authorizing the carrier to accept for transportation and transport the shipment or shipments of grain stated in the permit. Such permit shall specify the number of carloads which may be accepted for transportation and shall show an expiration date which expiration date shall not be more than fifteen (15) days after date of issue.

(3) The term "carrier" as used herein shall mean a common carrier by railroad subject to the Interstate Commerce Act.

(4) The term "application" as used herein shall mean an application for a permit made to the permit agent by a consignor, consignee or agent of such consignor or consignee.

(b) *Permit required for transportation of grain.* No carrier shall accept for transportation at, or transport from, any station in an origin territory described below, a box carload shipment of grain consigned or reconsigned to any station in the corresponding destination territory, unless and until the consignor or agent of the consignor surrenders a permit issued by the appropriate permit agent appointed in paragraph (c) (2) hereof.

(c) *Appointment of Agents.* (1) F. S. Keiser, Rm. 1955, 209 So. Wells St., Chicago, Ill., is hereby appointed General Grain Agent of the Interstate Commerce Commission in charge of grain transportation for the purpose of this order and such other duties as the Commission may hereinafter assign pursuant to this order. Permit Agents appointed by this order will be under the direction and supervision of Mr. Keiser and he shall at all times keep the Commission informed through its Bureau of Service.

(2) The following Permit Agents are hereby designated and appointed by the Interstate Commerce Commission for the purpose of accepting applications and issuing the permits required by paragraph (b) hereof:

Permit Agent, Address and Territory

A. T. Sindel, 1070 Board of Trade Bldg., Kansas City, Mo., Southwest Permit Area.

J. H. Fisher, Rm. 1955, 209 So. Wells St., Chicago, Ill., Central Permit Area.

E. J. Grimes or R. C. Woodworth, Alternate Agent, c/o Permit Division, Northwest Grain Storage Committee, Commerce Station, Minneapolis 15, Minn., Northwest Permit Area.

(d) *Description of permit areas.*

Southwest Permit Area

(Permit Agent Sindel)

Origin. All stations in the States of Nebraska, Missouri, Kansas, Wyoming, Colorado, Oklahoma, New Mexico, and Texas, also Council Bluffs, Sioux City, Iowa, East St. Louis, and Granite City, Ill.

Destination. All stations East of the west bank of Lake Michigan, East of Chicago switching district and the Illinois-Indiana state line thence stations on and East of the Ohio-Mississippi Rivers to New Orleans, La., except New Orleans for export.

CENTRAL PERMIT AREA

(Permit Agent Fisher)

Origin. All stations in the States of Iowa, Illinois (including the entire Chicago switching district), and Wisconsin, except Superior, East End, and Itasca, Wis., Council Bluffs, Sioux City, Iowa, East St. Louis and Granite City, Ill.

Destination. All stations East of the west bank of Lake Michigan, East of the Chicago switching district and the Illinois-Indiana state line thence stations on and East of the Ohio-Mississippi Rivers to New Orleans, La., except New Orleans for export.

NORTHWEST PERMIT AREA

(Permit Agent Grimes or Alternate Woodworth)

Origin. All stations in the States of Minnesota, North and South Dakota, Montana, also Superior, East End, and Itasca, Wis.

A

Destination. All stations East of the west bank of Lake Michigan, East of the Chicago switching district and the Illinois-Indiana state line thence stations on and East of the Ohio-Mississippi Rivers to New Orleans, La., except New Orleans for export.

B

Grand Forks, N. Dak., and all stations in the States of Minnesota, Wisconsin, Iowa, Missouri, and Illinois, also all points in the Chicago switching district, Omaha, South Omaha, Nebraska City, Nebr., and Kansas City, Atchison, and Leavenworth, Kans.

(e) *Directions to agents.* The number of permits issued shall be governed by the car supply available and the permit agent shall inform the carriers where grain is located which is ready for shipment under permit. The general grain agent may, upon such notice as can be given, waive the requirements as to permits from or to any area and on any grain; he may also restore the permit requirements at his discretion. Other directions to the general grain agent will be issued as the need arises by V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(f) *Carrier reports of empty cars.* The carriers shall keep the permit agents informed daily of the number of empty cars available for grain loading in the respective origin territories.

(g) *Car service rules suspended.* The operation of all car service rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(h) *Service order suspended in part.* Service Order No. 80, as amended, is suspended only to the extent that it conflicts with the provisions of this order.

(i) *Effective date.* This order shall become effective at 12:01 a. m., May 1, 1945, and shall apply only to cars billed on and after the effective date of this order.

(j) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17)).

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-6685; Filed, Apr. 26, 1945; 11:28 a. m.]

Notices

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 61]

MIDTOWN REALTY OWNERS ASSOCIATION, INC., ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF THE WAR

In the matter of Midtown Realty Owners Association, Inc., et al., New York, New York. Cases Nos. S-1747, S-1775.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a dispute involving members of the Midtown Realty Owners Association, Inc., and the Realty Advisory Board on Labor Relations, Inc., and certain other individuals owning and operating apartment, loft and office buildings in New York, New York, who have assented to the terms of the Arthur S. Meyer Agreement of February 4, 1942 or to the War Labor Board Agreement of April 21, 1942,

I find that the maintenance of loft buildings occupied by firms engaged in producing or manufacturing articles or commodities which are required or may be useful in connection with the prosecution of the war, and the maintenance of office buildings occupied by the offices of any such firm or of any other industrial concern, by members of the Midtown Realty Owners' Association, Inc., and the Realty Advisory Board on Labor Relations, Inc., and other individuals owning and operating buildings in New York, New York, who are parties to the Arthur S. Meyer Agreement of February 4, 1942 or the War Labor Board Agreement of April 21, 1942, pursuant to any contract for such maintenance, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 25th day of April, 1945.

DOUGLAS B. MAGGS, *Acting Secretary of Labor.*

[F. R. Doc. 45-6674; Filed, Apr. 26, 1945; 11:07 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4823]

WILLIAM BORKOWITZ

In re: Estate of William Borkowitz, deceased; File No. D-28-1822; ET sec. 1302.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of John Borkowitz, and each of them, in and to the estate of William Borkowitz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

John Borkowitz, Germany.
Herman Borkowitz, Germany.

That such property is in the process of administration by Theodore Van Winkle, as Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 45-6659; Filed, Apr. 26, 1945; 10:48 a. m.]

[Vesting Order 4824]

WILLIAM F. GLASS

In re: Estate of William F. Glass, deceased; File No. D-28-8621; E. T. sec. 10316.

Under the authority of the Trading with Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Emma Stegmuller, Josephine Doerr, Elizabeth Doerr and Marie Doerr, and each of them, in and to the estate of William F. Glass, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Stegmuller, Germany.
Josephine Doerr, Germany.
Elizabeth Doerr, Germany.
Marie Doerr, Germany.

That such property is in the process of administration by the Danbury National Bank, as administrator, c. t. a., acting under the judicial supervision of the Court of Probate, District of Danbury, State of Connecticut;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6660; Filed, Apr. 26, 1945; 10:48 a. m.]

[Vesting Order 4825]

MARKUS HERZ

In re: Estate of Markus Herz deceased; File D–28–2621; E. T. sec. 4125.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Michael Herz in and to the Estate of Markus Herz, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely:

National and Last Known Address

Michael Herz, Germany.

That such property is in the process of administration by Siegmund Herz, as administrator of the estate of Markus Herz, acting under the judicial supervision of the Surrogate's Court of the County and State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6661; Filed, Apr. 26, 1945; 10:48 a. m.]

[Vesting Order 4826]

ANNA HUGGLER

In re: Estate of Anna Huggler, deceased File No. D–28–1413; E. T. sec. 18.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elisa Margaritha Blumenhoff (nee Krahenbuhl) in and to the Estate of Anna Huggler, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Elisa Margaritha Blumenhoff (nee Krahenbuhl), Germany.

That such property is in the process of administration by the Treasurer of the City of New York, as depositary and Arthur Mattson, as Administrator de bonis non, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6662; Filed, Apr. 26, 1945; 10:48 a. m.]

[Vesting Order 4827]

ELISE LEXOW

In re: Estate of Elise Lexow, deceased; File D–28–3984; E. T. sec. 6901.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Carl Lexow and Bertha Foerster, and each of them, in and to the Estate of Elise Lexow, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carl Lexow, Germany.
Bertha Foerster, Germany.

That such property is in the process of administration by Phil C. Katz, 463 City Hall, San Francisco, California, Administrator of the Estate of Elise Lexow, deceased, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco, California;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6663; Filed, Apr. 26, 1945; 10:49 a. m.]

[Vesting Order 4828]

FRANK D. MANN

In re: Trust under Will of Frank D. Mann, deceased; File No. D–28–7612; E. T. sec. 8081.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of City of Alzey in and to the trust under the will of Frank D. Mann, deceased.

is property payable or deliverable to, or claimed by, a political subdivision of a designated enemy country, Germany, namely,

City of Alzey, Germany.

That such property is in the process of administration by the Park Street Trust Company, as trustee under the will of Frank D. Mann, deceased, acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6664; Filed, Apr. 24, 1945; 10:49 a. m.]

[Vesting Order 4829]

THOMAS C. MEYER

In Re: Trust under the will of Thomas C. Meyer, deceased; File No. D–28–6511; E. T. sec. 4433.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaret von Luttichau, the issue of Margaret von Luttichau, names unknown, Nickel von Salza und Lichtenau, Anna Margaret von Salza und Lichtenau, Hannibal Siegfried Wolff Curt von Luttichau, Margarete Johanna von Luttichau, Siegfried Hannes Lothar von Luttichau and Ursula Margarete von Schuckmann, and each of them, in and to the trust created under the Last Will and Testament of Thomas C. Meyer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Margaret von Luttichau, Germany.
Issue of Margaret von Luttichau (names unknown), Germany.
Nickel von Salza und Lichtenau, Germany.
Anna Margaret von Salza und Lichtenau, Germany.
Hannibal Siegfried Wolff Curt von Luttichau, Germany.
Margarete Johanna von Luttichau, Germany.
Siegfried Hannes Lothar von Luttichau, Germany.
Ursula Margarete von Schuckmann, Germany.

That such property is in the process of administration by the Bank of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6665; Filed, Apr. 26, 1945; 10:49 a. m.]

[Vesting Order 4830]

FREDERICK G. RENNER

In re: Trusts under the will of Frederick G. Renner, deceased; File No. D–66–744; E. T. sec. 4623.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Charlotte Stadelmann and Dorothea Brock, their lawful issue, name or names unknown, and each of them, in and to trusts created under the Will of Frederick G. Renner, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Charlotte Stadelmann, her lawful issue, name or names unknown, Germany.
Dorothea Brock, her lawful issue, name or names unknown, Germany.

That such property is in the process of administration by The Title Guarantee and Trust Company, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6666; Filed, Apr. 26, 1945; 10:49 a. m.]

[Vesting Order 4831]

BERTHA SAUER

In re: Estate of Bertha Sauer, deceased, File No. D–28–9392; E. T. sec. 12507.

Under the authority of the Trading with the Enemy Act, as amended, an Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margaret Bohne and Anna Steyer, and each of them, in and to the estate of Bertha Sauer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Margaret Bohne, Germany.
Anna Steyer, Germany.

That such property is in the process of administration by Albert Sauer and Frederick Sauer, as Executors of the Estate of Bertha Sauer, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6667; Filed, Apr. 26, 1945; 10:49 a. m.]

[Vesting Order 4832]

ANNA STEINER

In re: Estate of Anna Steiner, deceased; File D–28–9237; E. T. sec. 12078.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Barbara Weidner, John Weidner, Betty Weidner, Marie Weidner and Anna Weidner, and each of them, in and to the Estate of Anna Steiner, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Barbara Weidner, Germany.
John Weidner, Germany.
Betty Weidner, Germany.
Marie Weidner, Germany.
Anna Weidner, Germany.

That such property is in the process of administration by Mrs. Anna Gebhardt, as Executrix of the Estate of Anna Steiner, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country," as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–6668; Filed, Apr. 26, 1945; 10:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 3715]

TYLER FIXTURE CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum net prices, f. o. b. Niles, Michigan, for sales by the Tyler Fixture Corporation of the following farm and home freezers shall be:

Model	Size (cu. ft.)	On sales to distributors	On sales to dealers	On sales to consumers
H-14	14	$236.50	$283.80	$473
H-15	15	247.50	297.00	495
H-16	16	258.50	310.20	517
H-18	18	280.50	336.60	561
H-20	20	302.50	363.00	605
H-22	22	324.50	389.40	649
H-24	24	346.50	415.80	693
H-28	28	413.00	495.60	826
H-30	30	435.00	522.00	870
H-34	34	479.00	574.80	958
H-36	36	499.00	598.80	998
H-38	38	521.00	625.20	1,042
H-42	42	565.00	678.00	1,130
H-46	46	609.00	730.80	1,218
H-48	48	631.00	757.20	1,262
H-50	50	653.00	783.60	1,306

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size (cu. ft.)	On sales to distributors	On sales to dealers	On sales to consumers
H-14	14	$154.00	$184.80	$308
H-15	15	165.00	198.00	330
H-16	16	176.00	211.20	352
H-18	18	198.00	237.60	396
H-20	20	220.00	264.00	440
H-22	22	242.00	290.40	484
H-24	24	264.00	316.80	528
H-28	28	308.00	369.60	616
H-30	30	330.00	396.00	660
H-34	34	374.00	448.80	748
H-36	36	396.00	475.20	792
H-38	38	418.00	501.60	836
H-42	42	462.00	554.40	924
H-46	46	506.00	607.20	1,012
H-48	48	528.00	633.60	1,056
H-50	50	550.00	660.00	1,100

All prices above are for chests and coils only.

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices for sales by distributors of the following farm and home freezers manufactured by the Tyler Fixture Corporation, shall be:

Model	Size (cu. ft.)	On sales to dealers	On sales to consumers
H-14	14	$283.80	$473
H-15	15	297.00	495
H-16	16	310.20	517
H-18	18	336.60	561
H-20	20	363.00	605
H-22	22	389.40	649
H-24	24	415.80	693
H-28	28	495.60	826
H-30	30	522.00	870
H-34	34	574.80	958
H-36	36	598.80	998
H-38	38	625.20	1,042
H-42	42	678.00	1,130
H-46	46	730.80	1,218
H-48	48	757.20	1,262
H-50	50	783.60	1,306

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size (cu. ft.)	On sales to dealers	On sales to consumers
H-14	14	$184.80	$308
H-15	15	198.00	330
H-16	16	211.20	352
H-18	18	237.60	396
H-20	20	264.00	440
H-22	22	290.40	484
H-24	24	316.80	528
H-28	28	369.60	616
H-30	30	396.00	660
H-34	34	448.80	748
H-36	36	475.20	792
H-38	38	501.60	836
H-42	42	554.40	924
H-46	46	607.20	1,012
H-48	48	633.60	1,056
H-50	50	660.00	1,100

All prices above are for chests and coils only.

(d) The maximum net prices for sales by dealers to consumers of the following farm and home freezers manufactured by the Tyler Fixture Corporation, shall be:

Model	Size (cu. ft.)	On sales to consumers
H-14	14	$473
H-15	15	495
H-16	16	517
H-18	18	561
H-20	20	605
H-22	22	649
H-24	24	693
H-28	28	826
H-30	30	870
H-34	34	958
H-36	36	998
H-38	38	1,042
H-42	42	1,130
H-46	46	1,218
H-48	48	1,262
H-50	50	1,306

All prices above are for freezers complete, including chest, coils, compressor, valve and control.

Model	Size (cu. ft.)	On sales to consumers
H-14	14	$308
H-15	15	330
H-16	16	352
H-18	18	396
H-20	20	440
H-22	22	484
H-24	24	528
H-28	28	616
H-30	30	660
H-34	34	748
H-36	36	792
H-38	38	836
H-42	42	924
H-46	46	1,012
H-48	48	1,056
H-50	50	1,100

All prices above are for chests and coils only.

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum prices established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: $6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(h) The Tyler Fixture Corporation shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA maximum retail price $_____. Plus freight and crating as provided in Order No. 3715 under Maximum Price Regulation No. 188.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 26, 1945.

Issued this 25th day of April, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6642; Filed, Apr. 25, 1945; 11:48 a. m.]

[RMPR 506, Order 74]

BOSS MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 74 under section 4 (b) of Revised Maximum Price Regulation 506. Maximum prices for staple work gloves. Granting maximum prices to the Boss Manufacturing Company and other sellers. Docket No. 6062-506-3 (a) (2)-17.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

(a) On and after April 26, 1945, the ceiling prices under Revised Maximum Price Regulation 506 at which the Boss Manufacturing Company (Kewanee, Illinois) may sell or deliver to any purchaser, and such purchaser may buy from it, the "army reject and second" staple work glove number enumerated in the table below, are the prices set forth in this table. These ceiling prices, however, are subject to the provisions of Supplementary Order 96—maximum prices of certain goods rejected or not delivered under a war procurement contract.

Style No.	Glove description	Manufacturer's prices	
		Group I ceiling (per dozen)	Group II ceiling (per dozen)
G48	Men's gunn cut, heavy side split leather palm, full leather thumb, leather fingertips, 10-ounce canton flannel back, 6-ounce canton flannel palm lining, knit wrist—"Army rejects and seconds."	$4.55	$4.95

(b) The ceiling price for "regular sales" at wholesale of glove number G48 shall be determined by dividing the lower of the Group I ceiling price listed above for that glove or its "adjusted contract price" (as that term is defined in paragraph (d) of Supplementary Order 96), by .839 (round the result to the nearest 2½ cents). Ceiling prices for "special sales" at wholesale shall be determined in accordance with section 3 (b) of Revised Maximum Price Regulation 506.

(c) The ceiling prices authorized under this order are subject to the following:

(1) The instructions for manufacturers and wholesalers which preface the tables in Appendix A of Revised Maximum Price Regulation 506;

(2) The provisions in section 4 (a) of Revised Maximum Price Regulation 506 with respect to a manufacturer's "wholesale percentage", and the quota of deliveries which must be made at Group I prices;

(3) The marking and informational requirements of section 6 of Revised Maximum Price Regulation 506. In addition to these requirements, the Boss Manufacturing Company, on all deliveries of the style number listed in paragraph (a), made pursuant to this order, on and after April 26, 1945, must place the letter "S" following the lot number or brand name stated on the label, ticket, or other device used to mark the gloves.

(4) The definitions in Revised Maximum Price Regulation 506.

(d) The Boss Manufacturing Company must furnish each of its customers, who, on or after April 26, 1945, purchases the style number listed in paragraph (a) for purposes of resale, a notice in the form set forth below. The notice may be attached to the invoice or may be stamped or printed on the invoice.

This notice is sent to you as required by Order No. 74 under section 4 (b) of Revised Maximum Price Regulation 506 issued by the Office of Price Administration. It lists ceiling prices fixed by OPA, pursuant to Revised Maximum Price Regulation 506 and Supplementary Order 96—Maximum Prices of Certain Goods Rejected or Not Delivered Under a War Procurement Contract, for the "Army reject and second" work glove number enumerated in the table below, manufactured by the Boss Manufacturing Company.

OPA has ruled that the Boss Manufacturing Company may sell this number at or below the price listed in Column A below, subject to the provisions of section 4 (a) of Revised Maximum Price Regulation 506 with respect to the quota of deliveries which must be made at Group I prices. Wholesalers in turn are authorized to make regular sales at wholesale of this number at or below the price listed in Column B. Retailers will determine their ceiling price on this number in accordance with section 2 of Revised Maximum Price Regulation 506.

Style No.	Column A—Manufacturers' prices	Column B—Wholesalers' prices
G48-S..	[List the prices authorized under paragraph (a), or the "adjusted contract price" (defined in Supplementary Order 96), whichever is lower.]	[List the quotient obtained by dividing the *lower* of the Group I ceiling authorized under paragraph (a), or the "adjusted contract price", by .839.]

You will note that the letter "S" follows the manufacturer's lot number or brand name. This letter indicates that the gloves have been specifically priced by OPA under section 4 (b).

(e) This Order No. 74 under Revised Maximum Price Regulation 506 may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 26, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6643; Filed, Apr. 25, 1945; 11:49 a. m.]

[MPR 120, Order 1345]

AMIGO COAL CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Refuse coals produced by Amigo Coal Company, c/o E. C. Minter, Beckley, West Virginia, from its Amigo Mine, Mine Index No. 3 in Subdistrict No. 5, District No. 7, for rail shipment, may be sold and purchased at a price not exceeding 275 cents per net ton f. o. b. the rail shipping point.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) All prayers of the applicant not granted herein are hereby denied.

(d) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

This order shall become effective April 27, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6694; Filed, Apr. 26, 1945; 11:34 a. m.]

[MPR 120, Order 1346]

JAMES C. FRY

ESTABLISHMENT OF SPECIAL TEMPORARY MAXIMUM PRICE AND CLASSIFICATION

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The coal produced by James C. Fry at his Northland Mine, Mine Index No. 774 in District No. 8, when measuring a bottom size not less than 5 inches is hereby classified in Freight Origin Group No. 130.

(b) Coal measuring a bottom size of not less than 5 inches when produced by James C. Fry, from the No. 5 Block Seam at his Northland Mine, Mine Index No. 774 located in Wayne County, West Virginia, in District No. 8, may be purchased and sold for rail shipments, including railroad fuel for all uses, at $3.80 per net ton f. o. b. the rail shipping point (including coal transported by truck to the rail shipping point).

(c) All prayers of applicant not granted herein are hereby denied.

(d) This order may be revoked or amended at any time.

(e) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 governing the sale of bituminous coal shall remain in effect.

(f) The prices established herein shall not be effective after September 1, 1945.

This order shall become effective April 27, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6695; Filed, Apr. 26, 1945; 11:34 a. m.]

[RMPR 436, Amdt. 1 to Order 37]

CRUDE PETROLEUM PRODUCED FROM VARIOUS DESIGNATED POOLS

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) of Order No. 37 to Revised Maximum Price Regulation No. 436 is amended in the following respects:

1. The following pools with the designated increase are hereby added thereto:

Pool, County and State	*Amount of increase per 42-gallon barrel*
McDonald New, Ouachita, Ark	$0.20
New Haven, White, Ill	.20
Patton, Wabash, Ill	.35
Ackerland, Leavenworth, Kans	.35
Ferguson East, Elk (West Half), Kans	.35
Hillsboro, Marion, Kans	.02
Wathen, Union, Ky	.20
Bayou Choctaw, West Baton Rouge and Iberville, La	.26
Bangor, Van Buren, Mich	.20
Burbank, Kay and Osage, Okla	.25
Hewitt West (Old), Carter, Okla	.25
Homestake, Seminole, Okla	.25
Perryman, Tulsa, Okla	.35
Spring (Sand), Jefferson, Okla	.20
KMA North (Strawn), Wichita, Tex	.20
Morita, Howard, Tex	.35
Oakville, Live Oak, Tex	.18
World, Crockett, Tex	.15
Spindletop (Sundance), Natrona, Wyo	.25

2. The following pools are hereby deleted therefrom:

Pool, County and State
Patton, Wabash, Ind.
Garber North, Garfield, Okla.
Sams (Oswego), Noble, Okla.
Burbank, Kay, Okla.
Burbank, Osage, Okla.

3. In the listing of "All pools in the State of Kentucky except" certain designated fields, the Livermore pool, McLean County, Kentucky, is redesignated to read Livermore (McClosky) pool, McLean County, Kentucky, and the Wathen

pool, Union County, Kentucky, is hereby deleted therefrom.

This amendment shall become effective as of April 1, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6692; Filed, Apr. 26, 1945; 11:33 a. m.]

[MPR 574, Amdt. 3 to Order 1]

MAXIMUM PERCENTAGE OF CATTLE SLAUGHTERED WHICH MAY CONSIST OF GOOD AND CHOICE CATTLE

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. 1 under Maximum Price Regulation No. 574 is amended in the following respects:

1. Paragraph (c) (2) is amended to read as follows:

(2) The following percentages shall constitute the maximum percentages applicable to each of the three accounting periods ending on or about April 30, 1945, on or about May 31, 1945, and on or about June 30, 1945, respectively:

(i) Zone A, 90 percent.
(ii) Zone B, 90 percent.
(iii) Zone C, 75 percent.

2. Paragraph (h) is added to read as follows:

(h) *Exceptions from the provisions of the order.* The provisions of this order shall not apply to any slaughterer whose sole slaughter of cattle consists of 4-H or other club cattle as specified in section 1 (b) (2) of Maximum Price Regulation No. 574.

This amendment shall become effective April 24, 1945.

Issued this 24th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6595; Filed, Apr. 24, 1945; 4:29 p. m.]

[Supp. Order 99, Amdt. 1 to Order 6]

GLOBE KNITTING WORKS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered,* That Order No. 6 under § 1305.127 of Supplementary Order 99 be amended in the following respects:

The date May 1, 1945 appearing in the second line of paragraph (a), the fifth line of paragraph (c), the third line of paragraph (d), the fourth lines of the first and last paragraphs in the "Notice of Adjusted Ceiling Prices" set forth in paragraph (d), and the sixth line of paragraph (a) is hereby amended to read August 1, 1945.

This amendment shall become effective April 27, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6693; Filed, Apr. 26, 1945; 11:34 a. m.]

[MPR 136, Revocation of Order 48]

PROCUREMENT DIVISION OF THE TREASURY DEPARTMENT

AUTHORIZATION OF MAXIMUM PRICES FOR USED MACHINERY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register; *It is ordered:*

Order No. 48 under Maximum Price Regulation 136, as amended, is hereby revoked.

This order shall become effective April 27, 1945.

Issued this 26th day of April 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-6691; Filed, Apr. 26, 1945; 11:33 a. m.]

Regional and District Office Orders.

[Region IV Order G-15 Under SR 15, MPR 280, and MPR 329]

FLUID MILK IN ALABAMA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329, it is hereby ordered:

PART I—ADJUSTMENT OF WHOLESALE AND RETAIL FLUID MILK PRICES IN THE STATE OF ALABAMA

SECTION 1. *Explanation of this part.* (a) The adjustment effected by this order establishes maximum prices in dollars and cents for fluid milk and buttermilk for each county (or community, if so designated) in the State of Alabama. It contains special pricing provisions for one-price distributors with a previous price history of selling at a uniform price in counties for which varying prices are fixed by this order. Sellers of premium milk are provided with a formula and method of establishing a maximum price. Adjustments or other orders issued under the General Maximum Price Regulation, Supplementary Regulation 15, and Maximum Price Regulation 280 which are in effect at the date of issuance of this order are superseded by the provisions of this adjustment, unless a particular order is expressly preserved and named in section 15, and except where a maximum price for a particular sale established in such order is not provided by this order.

(b) This order supersedes all the provisions of the General Maximum Price Regulation, Supplementary Regulation 14A, and Maximum Price Regulation 280 which are inconsistent herewith.

SEC. 2. *Exempt sales.* This order shall not apply to the following:

(a) Sales or deliveries by handlers of bulk fluid milk, which remain subject to Order G-3 under Maximum Price Regulation 280.

(b) Sales or deliveries of chocolate milk, chocolate drink, or other flavored milks, which remain subject to the General Maximum Price Regulation.

(c) Sales or deliveries of condensed or evaporated milk, which remain subject to Maximum Price Regulation 280, 289, 421, 422, or 423, whichever is applicable.

(d) Sales at retail by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment of fluid whole milk or buttermilk for consumption on the premises, or as part of a meal for consumption on the premises or as part of a meal for consumption off the premises. Maximum prices for such sales are established under a Restaurant Maximum Price Regulation.

(e) Sales or deliveries by a producer, if his sales of all commodities produced or processed on his farm totaled $75.00 or less in the preceding calendar month. This order shall apply, however, to such sales and deliveries made by a farmers' cooperative either as agent or otherwise.

(f) Such sales to the United States or its agencies or to certain foreign governments or their agencies as are exempted under section 4.3 (f) of Revised Supplementary Regulation 1 of the General Maximum Price Regulation as amended.

SEC. 3. *Definitions for the purposes of Part I of this order.* (a) "Fluid milk" means cows' milk, raw or processed, which is sold for human consumption in fluid form. It does not include condensed or evaporated milk.

(b) "Raw" means unpasteurized.

(c) "Processed" means subjected to an operation including but not limited to cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, separation, culturing, homogenization, or vitamin fortification.

(d) "Bottled" or "in bottles" means contained in glass or paper containers of one quart or less.

(e) "Bulk" means contained in any type of container, whether supplied by the buyer or the seller, holding more than one quart.

(f) "Approved fluid milk" means fluid milk which at least satisfies the minimum butterfat content and sanitary and health standards established by the appropriate governmental authority in the area where delivered and in addition, for purchases by the armed forces, the standards established by the Army and Navy. Fluid milk is "approved" in the absence of specific disqualification by the appropriate authority.

(g) "Special fluid whole milk" means approved fluid milk which in addition (1) complies with quality or production standards established by governmental authorities or non-governmental medical, farm, or trade bodies, or (2) contains high butterfat content, or (3) is processed in addition to or other than by cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, or separation. For example, it includes "Certified", "Golden Guernsey", "Jersey Creamline", high fat content, homogenized and Vitamin D milks.

(h) "Standard fluid milk" or "regular fluid milk" means approved fluid milk

other than special fluid milk as defined above.

(i) "Premium fluid milk" means special fluid whole milk (or special buttermilk) (1) which was sold at a premium differential above standard or regular fluid milk (or plain buttermilk) in the particular market during March, 1942, or (2) for which a price differential above standard or regular fluid milk has been established in accordance with the provisions of this order.

(j) "Plain buttermilk" means buttermilk from which all or a portion of the butterfat has been removed by churning, skimming, or the application of centrifugal force and which has been inoculated with lactic acid forming bacteria or in which such bacteria have been incubated through processes, with the result that the product contains lactic acid in excess of ½ per cent.

(k) "Special buttermilk" means buttermilk which has been subjected to additional processing or contains 1 per cent butterfat or more.

(l) "Home delivered" means a sale and delivery of fluid milk at retail from an inventory stock in trucks or other conveyances operated by driver-salesmen over regular routes.

(m) "Out-of-store" means a sale of fluid milk at retail by a grocery store, dairy store, or any other establishment selling milk, whether or not the milk is delivered. For example, it includes a sale of fluid milk at retail by a milk distributor at his plant or place of business, by an eating or drinking establishment of fluid milk as a separate item for consumption off the premises and not as part of a meal, and by a drug store, unless exempted under section 2 (d) above.

(n) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(o) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) any institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(p) "Sale to the Army and Navy" means a sale to the War Department or to the Department of the Navy of the United States. It shall include any sale to Army and Navy sales stores, commissaries, ships' stores, officers' messes, and stores operated as army canteens or post exchanges.

(q) "One-price distributor" means a person who operated at a uniform price prior to April 28, 1942, regardless of the prevailing price in any given territory served by him.

(r) "County" means a geographical area including but not limited to all towns, villages, cities, and other municipalities located within the geographical limits of the area designated as such by name in section 14. All exceptions are stated specifically.

(s) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended, in § 1499.20 of the General Maximum Price Regulation, and in § 1351.816 (a) of Maximum Price Regulation 280 shall apply to the terms used herein.

SEC. 4. *General provisions applicable to Part I*—(a) *Customary discounts, allowances and practices.* (1) A seller shall maintain his customary discount, allowance, or other price differential to a purchaser or class of purchasers. A change therein is not prohibited, which results in a lower price.

(2) No person shall charge a larger proportion of transportation costs incurred in the delivery of fluid milk than he charged to a purchaser or class of purchasers during March, 1942, in the case of bottled milk, and September 28–October 2, 1942, for bulk milk.

(b) *Posting of retail maximum prices.* Each seller of fluid whole milk in quarts at retail shall clearly mark the maximum price per quart on the bottle or container in which the milk is sold, or post the maximum price per quart conspicuously at or near the place where the milk is offered for sale. This posting requirement shall not apply to any seller whose only sales at retail are to his own employees. In the case of home delivery, the posting requirement shall be satisfied by posting the maximum price per quart of standard fluid whole milk conspicuously on one side of the delivery vehicle or printing it on the monthly statement or cash sales ticket as follows: "Ceiling Price __¢ per Quart" or "Our Ceiling Price __¢ per Quart."

(c) *Sales at retail of fluid milk in container sizes of less than one quart.* The maximum prices established in this order for retail sales of fluid milk in container sizes of less than one quart are applicable only in those areas or places where sales at retail in such container sizes are not prohibited by any order or orders issued by the War Food Administration.

(d) *Calculations.* On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more and shall decrease the price to the next lower cent if the fraction is less than ½¢. On sales of more than one unit where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent. Home deliveries of two or more containers on the same delivery shall be considered multiple unit sales.

SEC. 5. *Maximum dollars and cents prices.* The maximum prices set forth in section 14 are applicable to any sale or delivery of approved fluid milk within the named county except as modified hereinafter in specific sections. The maximum price of fluid milk specifically disqualified by a health authority shall be determined under § 1499.2 of the General Maximum Price Regulation: *Provided,* That in no event shall such maximum price exceed the maximum price of approved fluid milk set forth in Section 14 for the particular county (or community) where the disqualified milk is sold and delivered.

SEC. 6. *Maximum prices for one-price distributors and retail sellers who purchase from such distributors.* (a) A one-price distributor whose price for a given size or container was uniform in all markets served prior to April 28, 1942, pursuant to a policy of uniform pricing and regardless of the prices secured by other sellers in the various communities served by him, may continue to sell that size or container at a uniform price in those particular markets if he applies for and is granted a written order under the provisions of paragraph (b) of this section.

(b) Any person desiring to continue selling at a uniform maximum price in communities for which this order provides different maximum prices must make application in writing within sixty days after the effective date hereof to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, for written permission to continue such sales. The application shall be in duplicate and shall contain the following information:

(1) The name and address of the applicant and the exact locations of all his processing plants involved in the application.

(2) The length of time he has been engaged in distributing milk at a uniform price in all markets served.

(3) The names of all communities served prior to April 28, 1942.

(4) The highest uniform price charged for each size and container during March, 1942.

(5) The names of all communities served during the year ending September 1, 1944, and the selling prices in each such community.

(6) The volume (in terms of quarts) sold and delivered in each community during September, 1944.

(7) The names and addresses of retailers who purchase at wholesale.

The Atlanta Regional Office of the Office of Price Administration may by written order grant permission to the applicant to function as a one-price distributor selling at a uniform price in particular markets served.

(c) Retail sellers who purchase milk from such a one-price distributor may take a markup not exceeding two cents per quart and one cent per smaller container over the wholesale price established in the pricing order issued under the authority of this section.

(d) No one-price distributor, or retailer purchasing from a distributor, shall sell milk at a price in excess of the maximum price established in section 14, until a uniform pricing order has been issued by the Atlanta Regional Office authorizing a named one-price distributor to charge other maximum prices. This section 6 (d) becomes effective June 15, 1945.

SEC. 7. *Maximum prices of premium milk.* (a) The sellers named in Section 16 are authorized to sell premium milk of the types there specified at the maximum prices set forth opposite their respective names. These maximum prices have been established by filings under Supplementary Regulation 14a or by orders issued by the Atlanta Regional Office under Supplementary Regulation

14a to the General Maximum Price Regulation.

(b) Any seller not named in the table in section 16 who desires to sell a "special" fluid whole milk or buttermilk at a "premium" price must apply in writing to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, within sixty days after the effective date of this order for permission to sell such special milk at a premium price. The application shall be in duplicate and shall contain the following information:

(1) The total quantity, expressed in quarts, of milk (or buttermilk) sold during the month of June 1943.

(2) The quantity of each type of special fluid whole milk (or special buttermilk) sold at a premium price during the month of June 1943.

(3) The established differential for each size and container between the selling price of each type of special fluid whole milk (or special buttermilk) and the selling price of standard approved milk (or buttermilk) during March 1942 in the particular market.

(c) The Atlanta Regional Office may issue orders authorizing distributors to sell a monthly maximum quantity of premium whole milk or buttermilk at a premium price representing such quantity at the established differential, not to exceed the quantity of each type of special milk sold in June, 1943. Except, this monthly quantity limitation shall not apply to producer-distributors or to retail stores which purchase at wholesale from a distributor or producer-distributor, or to sellers who were not selling special milk in June, 1943.

The Atlanta Regional Office shall give consideration to the differentials customarily established by the applicant between his prices on standard approved fluid whole milk or standard buttermilk and "special" fluid whole milk or "special" buttermilk. In the event the applicant is unable to show such an established differential in March, 1942, the Atlanta Regional Office shall give consideration to the price differential or differentials normal to the trade and prevailing during March, 1942, in the particular market or markets served by the applicant. Unless the applicant is able to show that he had an established price differential during March, 1942, or that there was an established differential on the part of other sellers in the particular market or markets during that month, the Atlanta Regional Office shall not grant him permission to sell a special whole milk or buttermilk at a premium price.

(d) A retail store which purchases special milk at wholesale from a distributor or producer-distributor who has been granted permission by a written order to charge a premium wholesale price on such special milk may add a markup not exceeding two cents per quart or one cent per smaller container to the maximum wholesale price as established in the written order to the distributor or producer-distributor.

(e) The Atlanta Regional Office may correct or revise any maximum prices established for any type of special milk with regard to the differentials prevailing in adjoining areas.

(f) Any seller who is authorized to sell special fluid milk or special buttermilk at a premium price according to the terms of this section may apply to the Atlanta Regional Office for permission to increase the maximum monthly quantity of such premium fluid milk which he is permitted to sell according to the terms of this section or of a written order issued by the Atlanta Regional Office under the provisions of this section. In filing such an application the seller must furnish figures showing the monthly quantity, expressed in quarts, of his sales of standard fluid milk (or plain buttermilk), the present and requested maximum monthly quantity of premium milk (or buttermilk); and in addition, he shall demonstrate that the failure to grant his application will result in hardship.

SEC. 8. *Maximum prices for sales of fluid whole milk or buttermilk to the Army and Navy.* The maximum price for the sale of fluid whole milk or buttermilk to the Army and Navy shall be the seller's lowest maximum price established at the plant from which delivery is made, for fluid whole milk or buttermilk sold at wholesale to any class of purchaser or purchasers (exclusive of sales to the Army or Navy) in the particular size and type of container, plus (1) ½¢ per quart or a proportionate amount for a part of a quart, or (2) at the election of the seller, the actual transportation costs from the seller's plant, branch loading station, or depot to the point of delivery, not to exceed the lowest common carrier rates: *Provided*, That neither the ½¢ per quart nor any transportation charge may be added by the seller if the Army or Navy accepts delivery f. o. b. the seller's plant, branch loading station or depot: *And provided, further*, That no seller shall add the actual transportation costs from the seller's plant, branch loading station, or depot, to the point of delivery unless he shall within ten days after entering into a contract with the Army and Navy, or after the making of the first delivery to an Army or Navy destination where no contract has been entered into, file with the Atlanta Regional Office, Candler Building, Atlanta, Georgia, a statement setting forth: The price per container established with transportation charges added, together with the method of computation of the price and the transportation charges; the location of seller's plant; the place of delivery of such milk, and the round-trip distance involved. This report shall be made on blanks furnished by the Atlanta Regional Office if that office so requests.

PART II—MODIFICATION OF MAXIMUM PRICES FOR PURCHASES FROM PRODUCERS FOR RESALE AS FLUID MILK

SEC. 9. *Explanation of this part.* (a) Part II of this adjustment order establishes maximum prices which purchasers in the State of Alabama may pay producers for bulk fluid milk delivered to a bottling plant in such state for resale as fluid milk. For the great majority of such purchases this order establishes maximum f. o. b. plant prices in dollars and cents per cwt., per gallon, or per pound of butterfat, according to the county in which a given purchaser's bottling plant is located which are alternative to the maximum prices established by the purchaser to a particular producer in January, 1943. A pricing method is provided for all other purchases by which the purchaser may choose between the highest price paid in January 1943, to a particular producer and a tabular maximum price which depends upon the retail price per quart, established before August 31, 1944, for the market where the milk is resold. This adjustment establishes the maximum price which a given purchaser may pay to a particular producer situated in the following circumstances: (1) an individual producer from whom that purchaser bought milk in January, 1943; (2) an individual producer who sold his milk to another purchaser (or purchasers) in January, 1943; and (3) an individual producer who did not sell bulk fluid milk for resale for human consumption in January, 1943.

(b) The adjustment effected by this part II supersedes all adjustment or other orders issued under maximum Price Regulation 329, including orders issued by the Atlanta Regional Office which are in effect at the date of the issuance of this order unless specifically set out in section 19, except where a maximum price for a particular purchase fixed in such order is not provided by this adjustment order. Specifically, this order supersedes Order G–4 and the provisions of Maximum Price Regulation 329 as amended insofar as they are inconsistent with the terms of this order.

SEC. 10. *Exempt sales.* This part II shall not apply to the following:

(a) Purchasers of milk from producers at a price lower than $2.75 per cwt. f. o. b. receiving station or processing plant for milk of 4 per cent butterfat content, or its equivalent price in other terms;

(b) Purchases of manufacturing milk from producers.

(c) Purchases of milk from producers at retail by ultimate consumers.

(d) Purchases of bottled milk at wholesale from producers.

(e) Purchases of bulk milk at wholesale from producers by stores, hotels, restaurants, institutions and the Army and Navy;

(f) Purchases from farmers or farmers' cooperatives of milk with respect to which they are not producers as defined in this order;

(g) Purchases from a producer when the milk is delivered to a receiving station or processing plant operated under or directly subject to any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937 as amended. The maximum prices for such purchases are established by Maximum Price Regulation 329.

SEC. 11. *Definitions for the purposes of Part II of this order.* (a) "Milk" means liquid cows' milk in a raw, unprocessed state which is purchased in bulk for resale for human consumption as fluid milk. It shall also include all milk classes as Class I or fluid milk in a particular market, regardless of its use.

(b) "Manufacturing milk" means liquid cows' milk in a raw unprocessed state which is purchased for use in (1) com-

mercial or industrial products, and (2) manufactured dairy and food products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, ice cream, and bakery products, except milk classed as Class I or fluid milk in a particular market, regardless of its use.

(c) "In a raw and unprocessed state" means unpasteurized.

(d) "Grade" refers to the butterfat content and the quality and sanitary standards established by public health authorities.

(e) "Bottled" or "in bottles" means contained in glass or paper containers.

(f) "Bulk" or "in bulk" means contained in other than in glass or paper containers.

(g) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or other place on which milk is produced and who sold milk during January, 1943, or has sold or delivered milk to a purchaser for whom a maximum price has been established by a regional adjustment order set forth in section 19 below, or determined pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order. A farmers' cooperative is a producer with respect to all its sales of milk except milk processed by it or for it in a milk receiving or processing plant owned, leased or contracted for by the cooperative.

NOTE: This order does not prohibit the payment of patronage dividends by a farmers' cooperative in accordance with the provisions of Supplementary Order 84 issued by the Office of Price Administration.

(h) "New Producer" means a producer who did not sell bulk milk in a raw and unprocessed state for resale for human consumption as fluid milk during January, 1943, and who has not sold or delivered milk to a purchaser for whom a maximum price has been established payable to him under a regional adjustment order set forth in section 19 below or determined pursuant to an application filed under section 13 (b) (5) or section 13 (c) (4). The following persons who qualify under the preceding definition are, among others, to be considered new producers: (1) a producer who has acquired new production facilities since January 31, 1943; (2) a farmers' cooperative organized since January 31, 1943, which qualifies as a producer in accordance with the provisions of section 11 (g) of this order; (3) a producer who sold manufacturing milk only, during January, 1943, but who has since begun to sell bulk milk to a purchaser for resale in fluid form; and (4) a producer who processed and distributed his entire output at wholesale and/or retail during the month of January, 1943, but who has since begun to sell bulk fluid milk to a purchaser for resale in fluid form.

(i) "Applicable butterfat differential" means plus or minus 5¢ per cwt. (43/100¢ per gallon) for each 1/10 of 1 per cent by which the butterfat content varies above or below 4 percent, whichever the case may be.

(j) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(k) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of the foregoing.

(l) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended and in § 1351.404 of Maximum Price Regulation 329 as amended shall apply to the terms used in this order.

(m) "F. o. b. plant" means delivered to the plant where the milk is bottled. If delivery is made to a receiving station or cooling station, the purchaser shall deduct the actual transportation cost from such receiving station or cooling station to the bottling plant.

SEC. 12. *General provisions applicable to Part II*—(a) *Customary discounts, allowances and practices.* (1) A purchaser shall maintain his customary discount, allowance, or other price differential applicable to any purchase or class of purchases. A change therein is not prohibited, which results in a lower price.

(2) No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943, from the particular producer.

(3) Any purchaser who wishes to change the basis (weight, volume or butterfat test) on which he purchases milk from a producer may do so in accordance with the provisions of section 13 (f) of this order.

(b) *Transfer of business or stock in trade*—(1) *Purchasers.* If the business, stock in trade, or assets of any purchaser subject to this regulation are sold or otherwise transferred on or after February 13, 1943, the maximum prices for purchases of milk by a transferee shall be the same as those to which his transferor would have been subject if no transfer had occurred. In the event that the transferee has purchased milk from other producers prior to the transfer, this paragraph shall be applicable only to maximum prices payable to the producers who were selling milk to the transferor prior to such transfer. Such purchaser shall have the same obligation to keep records to verify such prices as applied to the transferor. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to transfer which are necessary to enable the latter to maintain records required by Maximum Price Regulation 329.

(2) *Producers.* If the business, stock in trade, or assets of any producer are sold or otherwise transferred on or after February 13, 1943, to a person who has not prior thereto sold or delivered milk for resale as fluid milk, the maximum prices which a purchaser may pay the transferee shall be the same as the maximum prices which the purchaser could have paid the transferor if no transfer had taken place. Such transferee shall be considered a "producer" for the purposes of this order.

(c) Unless the context otherwise requires, all the provisions of Maximum Price Regulation 329 as amended shall apply to all persons covered by this order.

SEC. 13. *Maximum prices.* (a) The following provisions in conjunction with the tables set forth in sections 17 and 18 establish maximum prices for all purchasers covered by this Part II.

(b) *Pricing method applicable to every purchaser whose bottling plant is located in a county named in section 17.* (1) The maximum price which a purchaser may pay to any producer from whom he purchased milk in January, 1943, or to any producer from whom he has purchased milk prior to the effective date of this order in accordance with the provisions of a regional adjustment order listed in section 19 below, is the maximum price per cwt. or gallon of milk of 4 percent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and to other terms specified in the table, or the highest price paid to that producer during January, 1943, or the maximum price named for that purchaser as payable to the particular producer under the provisions of such regional adjustment order, whichever is higher.

(2) The maximum price which a purchaser may pay for milk to a particular producer who sold his "milk" to another purchaser (or purchasers) during January, 1943, shall be the highest price for milk of the same grade and butterfat content which any such other purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser may pay for milk to a new producer from whom he purchased milk in September 1944, but who did not sell milk to any purchaser in January 1943, shall be the highest price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and other terms specified in such table.

(4) The maximum price which a purchaser may pay for milk to a particular producer to whom a maximum price payable by any other purchaser has been established in a regional adjustment order listed in section 19 below or issued hereafter under the provisions of section 13 (b) (5) or section 13 (c) (4) shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order or under the provisions of such regional adjustment order, whichever is higher.

(5) The maximum price which a purchaser may pay for "milk" to a new producer who did not sell "milk" to any purchaser in September 1944, shall be determined as follows:

(i) The purchaser must file an application with the Atlanta Regional Office for the determination of a maximum price payable to the new producer. This application must be filed in duplicate with the Atlanta Regional Office, Candler Building, Atlanta 3, Georgia, and shall include the following information:

(*a*) The name and address of the purchaser and the new producer (or producers).

(*b*) A statement from the appropriate Health Department, setting forth the following facts:

(*1*) That the new producer (or producers) has qualified for the production of milk for human consumption;

(*2*) The prevailing price paid to producers in the production area in which the new producer (or producers) is located.

(*c*) If the new producer distributed bottled milk in January 1943, a statement showing the approximate volume of such bottled milk at the time of application, together with the localities of sale and the selling price or prices.

(c) *Pricing method for purchasers with bottling plants not located in counties named in section 17.* (1) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a producer from whom he purchased milk during January, 1943, or subsequently purchased during a month named in a regional adjustment order issued to such purchaser and listed in section 19 below, shall be the higher of the following:

(i) The highest price paid by such purchaser to that particular producer during the month of January, 1943, or pursuant to the provisions of a regional adjustment order mentioned in the preceding paragraph: *Provided*, That a purchaser who buys on a butterfat basis may pay a maximum price for milk of a butterfat content of 4 per cent, subject to the applicable butterfat differential, equivalent to the highest base price received by that producer during January, 1943, regardless of the base butterfat percentage then employed: *Provided, further*, That such a purchaser may pay a maximum price to that producer for milk of a butterfat content of 4 percent, subject to the applicable butterfat differential, equivalent to the highest flat price received by that producer in January, 1943, if the milk was purchased at that time without regard to butterfat test.

(ii) The highest price permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located.

(*a*) If the purchaser has himself established no home-delivered price for approved fluid milk in quart glass containers prior to August 31, 1944, but his bottling plant which receives delivery of particular milk is located in a county (or in a municipality if the prices in such municipality differ from those in the county in which such municipality is included) where the quart glass container price established by and common to the numerical majority of the purchasers (who have established such prices prior to August 31, 1944) is a price specifically set out in the table in section 18. Such purchaser may pay the maximum price set forth opposite such specifically stated quart glass container price, treating the milk purchased as if it tested 4 per cent butterfat.

(2) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant, to a producer who sold his milk to another purchaser (or purchasers) during January, 1943 or September, 1944, to a purchaser named in a regional adjustment order listed in section 19 below or in an order issued pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order, shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located, subject to the provisions of section 13 (c) (1) (ii) (*a*) of this order.

(4) The maximum price which a purchaser may pay for milk to a new producer who did not sell milk to any purchaser in September, 1944, shall be a price determined by the Atlanta Regional Office on application by the purchaser. Such purchaser shall supply the information set forth in section 13 (b) (5) of this order.

(d) Pricing method for a purchaser who bought part of a producer's milk in January, 1943. If two or more purchasers purchased milk from a particular producer in January, 1943, at different prices, each such purchaser may pay to that particular producer a maximum price no higher than the maximum price any purchaser is permitted to pay that producer under the terms of this order.

(e) *New purchasers.* A new purchaser who was not engaged in the business of purchasing milk during January 1943, and subsequently engages in such business without purchasing an existing business or establishment shall determine his maximum price to producers except new producers in accordance with the provisions of section 13 (b) or (c), whichever is applicable. Regional or District Offices of the Office of Price Administration will assist such purchaser in ascertaining the correct maximum price. If such a purchaser desires to purchase milk from a "new producer," his maximum price shall be a price determined by the Atlanta Regional Office upon application by him. His application shall set forth the information specified in subdivisions (*a*) (*b*) and (*c*) of section 13 (b) (5) (i) of this order.

(f) *Butterfat standards.* (1) Any purchaser whose maximum price to an individual producer has been established without reference to a butterfat test shall employ such maximum price to that producer as if it referred to 4 per cent milk, if and when a butterfat test is instituted. Any purchaser whose maximum price to an individual producer has been established on a butterfat base standard other than 4 per cent shall employ such maximum base price in purchasing milk testing 4 per cent. This maximum price may be increased 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content exceeds 4 per cent, and this maximum price must be reduced by 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content is lower than 4 per cent. Any purchaser who purchased milk from a producer without reference to a butterfat test during January 1943, and continues to do so, may pay such producer a maximum price which is the higher of the following: (1) the maximum price so established to such producer in January 1943; or (2) the appropriate price per cwt. or per gallon named in the table in section 17 or section 18.

(2) No purchaser may pay a maximum price for milk to a particular producer in terms of the pound of butterfat in such milk unless that purchaser, or another purchaser, purchased milk from that producer according to the pound of butterfat in January, 1943: *Provided*, That a purchaser who paid for milk according to the pound of butterfat in January, 1943, may apply to the Atlanta Regional Office for permission to pay a new producer according to the pound of butterfat in accordance with subparagraphs 13 (b) (5) or 13 (c) (4) above: *Provided, further*, That a purchaser who paid his producers according to the pound of butterfat in January, 1943, may adopt the corresponding price per cwt. or per gallon of milk at 4 per cent butterfat content, with the applicable butterfat differential as specified in the table in section 17 or section 18.

PART III—LIST OF PRICE TABLES AND ATLANTA REGIONAL OFFICE ADJUSTMENT ORDERS IN EFFECT

SEC. 14. *Maximum prices for approved fluid whole milk and buttermilk in the State of Alabama*—(a) *Area 1.* Area 1 in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Marion and Winston.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 1 in the State of Alabama, shall be the maximum price set forth in table 1.

TABLE 1

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	38	-----	-----
	1.1 to 5 gals. bulk	40	-----	-----
	Gallon	42	46	46
	Quart	11	13	13
	Pint	6	7	7
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	22	26	26
	Quart	6	8	8
	Pint	3½	5	5

(b) *Area 1B.* Area 1B in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Blount.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 1B in the State of Alabama, shall be the maximum price set forth in table 1B.

TABLE 1B

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	-----	-----
	1.1 to 5 gals. bulk	44	-----	-----
	Gallon	46	50	50
	Quart	12	14	13
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	22	26	26
	Quart	6	8	8
	Pint	3½	5	5

(c) *Area 2.* Area 2 in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Wilcox.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 2 in the State of Alabama, shall be the maximum price set forth in table 2.

TABLE 2

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	-----	-----
	1.1 to 5 gals. bulk	44	-----	-----
	Gallon	46	50	50
	Quart	12	14	14
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	26	30	30
	Quart	7	9	9
	Pint	4	5	5

(d) *Area 2A.* Area 2A in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Clarke, Cleburne, Covington, and Monroe.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 2A in the State of Alabama, shall be the maximum price set forth in table 2A.

TABLE 2A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	-----	-----
	1.1 to 5 gals. bulk	44	-----	-----
	Gallon	46	50	50
	Quart	13	15	14
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	26	30	30
	Quart	7	9	9
	Pint	4	5	5

(e) *Area 3.* Area 3 in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Autauga, Barbour, Bibb, Bullock, Butler, Cherokee, Chilton, Choctaw, Clay, Coffee, Coosa, Crenshaw, Dale, Dallas, Elmore, Fayette, Geneva, Greene, Hale, Henry, Lawrence, Lowndes, Macon, Marengo, Montgomery [1] Perry, Pickens, Pike, Randolph, St. Clair, Sumter, Tallapoosa, and Washington.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 3 in the State of Alabama, shall be the maximum prices set forth in table 3.

TABLE 3

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	46	-----	-----
	1.1 to 5 gals. bulk	48	-----	-----
	Gallon	50	54	54
	Quart	13	15	15
	Pint	7	8	8
	½ quart	5½	7	7
	½ pint	3¾	5	5
Buttermilk: Plain, cultured or churned.	Gallon	28	34	34
	Quart	8	10	10
	Pint	5	6	6

Provided, the maximum price of bulk whole milk or bulk buttermilk sold and delivered in Montgomery County shall be the price set forth in Table 3, or the maximum price established by the seller under MPR 280, whichever is higher.

(f) *Area 3A.* Area 3A in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Cullman.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 3A in the State of Alabama, shall be the maximum price set forth in table 3A.

TABLE 3A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	46	-----	-----
	1.1 to 5 gals. bulk	48	-----	-----
	Gallon	50	54	54
	Quart	14	16	15
	Pint	7	8	8
	½ quart	5½	7	7
	½ pint	3¾	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	34	34
	Quart	8	10	10
	Pint	5	6	6

(g) *Area 4.* Area 4 in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Baldwin, Calhoun, Chambers, Colbert, DeKalb, Escambia, Etowah, Franklin, Jackson, Lamar, Lauderdale, Lee, Limestone, Madison, Marshall, Morgan, Russell, Shelby, Talladega, and Tuscaloosa.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 4 in the State of Alabama, shall be the maximum price set forth in table 4.

TABLE 4

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	50	-----	-----
	1.1 to 5 gals. bulk	52	-----	-----
	Gallon	54	58	58
	Quart	14	16	16
	Pint	8	9	9
	½ quart	5½	7	7
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	34	34
	Quart	8	10	10
	Pint	5	6	6

(h) *Area 4b.* Area 4b in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Conecuh.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within area 4b in the State of Alabama, shall be the maximum price set forth in table 4b.

[1] See proviso under table 3.

TABLE 4B

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	50	----	----
	1.1 to 5 gals. bulk	52	----	----
	Gallon	54	58	58
	Quart	15	17	16
	Pint	8	9	9
	½ quart	6	7	7
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	34	34
	Quart	8	10	10
	Pint	5	6	6

(i) *Area 5.* Area 5 in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Houston.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 5 in the State of Alabama, shall be the maximum price set forth in table 5.

TABLE 5

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	54	----	----
	1.1 to 5 gals. bulk	56	----	----
	Gallon	58	62	62
	Quart	15	17	17
	Pint	8	9	9
	½ quart	6	7	7
	¼ pint	4½	5	5
Butermilk: Plain, cultured, or churned.	Gallon	32	38	38
	Quart	9	11	11
	Pint	5	6	6

(j) *Area 5A.* Area 5A in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Jefferson and Walker.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within area 5A in the State of Alabama, shall be the maximum price set forth in table 5A.

TABLE 5A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	50	----	----
	1.1 to 5 gals. bulk	52	----	----
	Gallon	54	58	60
	Quart	14	16	17
	Pint	8	9	9
	½ quart	6	7	7
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	32	38	38
	Quart	9	11	11
	Pint	5	6	6

(k) *Area 6A.* Area 6A in the State of Alabama shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Mobile.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 6A in the State of Alabama, shall be the maximum price set forth in table 6A.

TABLE 6A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	56	----	----
	1.1 to 5 gals bulk	58	----	----
	Gallon	60	66	66
	Quart	15½	18	18
	Pint	8	9	9
	½ quart	6½	8	8
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	36	42	42
	quart	10	12	12
	pint	6	7	7

Provided, The maximum price of bulk whole milk or bulk buttermilk shall be the price set forth in table 6A or the maximum price established by the seller under MPR 280, whichever is higher.

SEC. 15. *List of Atlanta Regional Office adjustment orders under GMPR, SR 14A, SR 15, and MPR 280 which apply to sellers of fluid milk in the State of Alabama, and which remain in effect.*

Regional Docket No. IV	Issue date	Effective date	Seller's name and address
18 (c)-142	8-25-43	8-30-43	All sellers in Dale and Coffee Counties.
Re (1)-18 (c)-142	12-30-44	12-27-44	All sellers in Dale, Coffee and Pike Counties.
SR 14-A124 (b)-14	8-29-44	8-15-44	Calhoun County Creamery, Anniston, Ala.
SR 14-A124 (b)-15	9-19-44	9-1-44	Turner Dairies, Anniston, Ala.
280-14	4-15-44	4-20-44	Order G-3. All interhandlers.
280-14	5-4-44	5-9-44	Amdt. 1 to Order G-3. All interhandlers.
280-14	6-24-44	6-29-44	Amdt. 2 to Order G-3. All interhandlers.
280-14	9-20-44	9-20-44	Amdt. 3 to Order G-3. All interhandlers.

SEC. 16. *List of authorized processors of premium milk in the State of Alabama.*

Regional docket No. IV	Name and address of processor	Type of milk	Maximum quart prices		Date of authorization
			Wholesale	Retail	
SR 14-P. M.-23	Southern Dairies, Birmingham.	Homo.-Vit-D	$0.15	$0.18	7-30-43
SR 14A-73A (a) (1)-3	Opelika Creamery, Opelika	Homo.-Vit-D	.15	.17	11-14-44

SEC. 17. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in named counties in the State of Alabama.*

County	Maximum price of 4% milk, f. o. b. plant		Maximum price, f. o. b. plant, per lb. butterfat
	Per cwt.	Per gal.	
Calhoun	$4.05	$0.348	----
Colbert	4.05	.348	----
Cullman	4.05	.348	----
Dallas	3.75	.323	----
Etowah	4.05	.348	$0.955
Houston	4.40	.378	----
Jefferson	4.25	.366	----
Lauderdale	4.05	.348	----
Lee	4.05	.348	----
Madison	4.10	.353	----
Mobile	4.75	.408	----
Montgomery	4.00	.344	----
Morgan	4.05	.348	----
Talladega	4.05	.348	----
Tallapoosa	4.00	.344	----
Tuscaloosa	4.05	.348	----
Walker	4.25	.366	----

SEC. 18. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in counties not named in section 17, in the State of Alabama.*

Retail home delivered maximum price in quart glass containers	Maximum price per cwt. 4% milk F. O. B. plant	Maximum price per gallon 4% milk F. O. B. plant	Maximum price per lb. butterfat F. O. B. plant
$0.16	$4.05	$0.348	$0.955
.15	3.70	.318	.880
.14	3.35	.288	.800
.13	3.15	.271	.755

SEC. 19. *List of Atlanta Regional Office adjustment orders under MPR 329 which apply to purchasers of "milk" in Alabama, which remain in effect.* No other Atlanta Regional Office adjustment orders remain in effect which are applicable to purchasers of "milk" whose processing plants are located in Alabama.

This order may be revoked, amended or corrected at any time.

This order shall become effective April 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved for producer prices only.

L. T. WELLS,
In Charge Southern Field Office, Dairy and Poultry Branch, Office of Market Services, War Food Administration.

[F. R. Doc. 45-6618; Filed, Apr. 24, 1945; 4:37 p. m.]

[Region IV Order G-16 Under SR 15, MPR 280, and MPR 329]

FLUID MILK IN FLORIDA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329, it is hereby ordered:

PART I—ADJUSTMENT OF WHOLESALE AND RETAIL FLUID MILK PRICES IN THE STATE OF FLORIDA

SECTION 1. *Explanation of this part.* (a) The adjustment effected by this order establishes maximum prices in dollars and cents for fluid milk and buttermilk for each county (or community, if so designated) in the State of Florida. It contains special pricing provisions for one-price distributors with a previous price history of selling at a uniform price in counties for which varying prices are fixed by this order. Sellers of premium milk are provided with a formula and method of establishing a maximum price. Adjustments or other orders issued under the General Maximum Price Regulation, Supplementary Regulation 15, and Maximum Price Regulation 280 which are in effect at the date of issuance of this order are superseded by the provisions of this adjustment, unless a particular order is expressly preserved and named in section 15, and except where a maximum price for a particular sale established in such order is not provided by this order.

(b) This order supersedes all the provisions of the General Maximum Price Regulation, Supplementary Regulation 14A, and Maximum Price Regulation 280 which are inconsistent herewith.

SEC. 2. *Exempt sales.* This order shall not apply to the following:

(a) Sales or deliveries by handlers of bulk fluid milk, which remain subject to Order G-3 under Maximum Price Regulation 280.

(b) Sales or deliveries of chocolate milk, chocolate drink, or other flavored milks, which remain subject to the General Maximum Price Regulation.

(c) Sales or deliveries of condensed or evaporated milk, which remain subject to Maximum Price Regulation 280, 289, 421, 422, or 423, whichever is applicable.

(d) Sales at retail by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment of fluid whole milk or buttermilk for consumption on the premises, or as part of a meal for consumption on the premises or as part of a meal for consumption off the premises. Maximum prices for such sales are established under a Restaurant Maximum Price Regulation.

(e) Sales or deliveries by a producer, if his sales of all commodities produced or processed on his farm totaled $75.00 or less in the preceding calendar month. This order shall apply, however, to such sales and deliveries made by a farmers' cooperative either as agent or otherwise.

(f) Such sales to the United States or its agencies or to certain foreign governments or their agencies as are exempted under section 4.3 (f) of Revised Supplementary Regulation 1 of the General Maximum Price Regulation as amended.

SEC. 3. *Definitions for the purposes of Part 1 of this order.* (a) "Fluid milk" means cows' milk, raw or processed, which is sold for human consumption in fluid form. It does not include condensed or evaporated milk.

(b) "Raw" means unpasteurized.

(c) "Processed" means subjected to an operation including but not limited to cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, separation, culturing, homogenization, or vitamin fortification.

(d) "Bottled" or "in bottles" means contained in glass or paper containers of one quart or less.

(e) "Bulk" means contained in any type of container, whether supplied by the buyer or the seller, holding more than one quart.

(f) "Approved fluid milk" means fluid milk which at least satisfies the minimum butterfat content and sanitary and health standards established by the appropriate governmental authority in the area where delivered and in addition, for purchases by the armed forces, the standards established by the Army and Navy. Fluid milk is "approved" in the absence of specific disqualification by the appropriate authority.

(g) "Special fluid whole milk" means approved fluid milk which in addition (1) complies with quality or production standards established by governmental authorities or non-governmental medical, farm, or trade bodies, or (2) contains high butterfat content, or (3) is processed in addition to or other than by cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, or separation. For example, it includes "Certified", "Golden Guernsey", "Jersey Creamline", high fat content, homogenized and vitamin D milks.

(h) "Standard fluid milk" or "regular fluid milk" means approved fluid milk other than special fluid milk as defined above.

(i) "Premium fluid milk" means special fluid whole milk (or special buttermilk) (1) which was sold at a premium differential above standard or regular fluid milk (or plain buttermilk) in the particular market during March, 1942, or (2) for which a price differential above standard or regular fluid milk has been established in accordance with the provisions of this order.

(j) "Plain buttermilk" means buttermilk from which all or a portion of the butterfat has been removed by churning, skimming, or the application of centrifugal force and which has been inoculated with lactic acid forming bacteria or in which such bacteria have been incubated through processes, with the result that the product contains lactic acid in excess of ½ per cent.

(k) "Special buttermilk" means buttermilk which has been subjected to additional processing or contains 1 per cent butterfat or more.

(l) "Home delivered" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes.

(m) "Out-of-store" means a sale of fluid milk at retail by a grocery store, dairy store, or any other establishment selling milk, whether or not the milk is delivered. For example, it includes a sale of fluid milk at retail by a milk distributor at his plant or place of business, by an eating or drinking establishment of fluid milk as a separate item for consumption off the premises and not as part of a meal, and by a drug store, unless exempted under section 2 (d) above.

(n) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(o) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) any institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(p) "Sale to the Army and Navy" means a sale to the War Department or to the Department of the Navy of the United States. It shall include any sale to army and navy sales stores, commissaries, ships' stores, officers' messes, and stores operated as army canteens or post exchanges.

(q) "One-price distributor" means a person who operated at a uniform price prior to April 28, 1942, regardless of the prevailing price in any given territory served by him.

(r) "County" means a geographical area including but not limited to all towns, villages, cities, and other municipalities located within the geographical limits of the area designated as such by name in section 14. All exceptions are stated specifically.

(s) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended, in § 1499.20 of the General Maximum Price Regulation, and in § 1351.816 (A) of Maximum Price Regulation 280 shall apply to the terms used herein.

SEC. 4. *General provisions applicable to Part I*—(a) *Customary discounts, allowances and practices.* (1) A seller shall maintain his customary discount, allowance, or other price differential to a purchaser or class of purchasers. A change therein is not prohibited, which results in a lower price.

(2) No person shall charge a larger proportion of transportation costs incurred in the delivery of fluid milk than he charged to a purchaser or class of purchasers during March, 1942, in the case of bottled milk, and September 28–October 2, 1942, for bulk milk.

(b) *Posting of retail maximum prices.* Each seller of fluid whole milk in quarts at retail shall clearly mark the maximum price per quart on the bottle or container in which the milk is sold, or post the maximum price per quart conspicuously at or near the place where the milk is offered for sale. This posting requirement shall not apply to any seller whose only sales at retail are to his own employees. In the case of home delivery, the posting requirement shall be satisfied by posting the maximum price per quart of standard fluid whole milk conspicuously on one side of the delivery vehicle or printing it on the monthly statement or cash sales ticket as follows: "Ceiling Price __¢ per Quart" or "Our Ceiling Price __¢ per Quart."

(c) *Sales at retail of fluid milk in container sizes of less than one quart.* The maximum prices established in this order for retail sales of fluid milk in container sizes of less than one quart are applicable only in those areas or places where sales at retail in such container sizes are not prohibited by any order or orders issued by the War Food Administration.

(d) *Calculations.* On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more and shall decrease the price to the next lower cent if the fraction is less than ½¢. On sales of more than one unit where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent. Home deliveries of two or more containers on the same delivery shall be considered multiple unit sales.

SEC. 5. *Maximum dollars and cents prices.* The maximum prices set forth in section 14 are applicable to any sale or delivery of approved fluid milk within the named county except as modified hereinafter in specific sections. The maximum price of fluid milk specifically disqualified by a health authority shall be determined under § 1499.2 of the General Maximum Price Regulation: *Provided,* That in no event shall such maximum price exceed the maximum price of approved fluid milk set forth in section 14 for the particular county (or community) where the disqualified milk is sold and delivered.

SEC. 6. *Maximum prices for one-price distributors and retail sellers who purchase from such distributors.* (a) A one-price distributor whose price for a given size or container was uniform in all markets served prior to April 28, 1942, pursuant to a policy of uniform pricing and regardless of the prices secured by other sellers in the various communities served by him, may continue to sell that size or container at a uniform price in those particular markets if he applies for and is granted a written order under the provisions of paragraph (b) of this section.

(b) Any person desiring to continue selling at a uniform maximum price in communities for which this order provides different maximum prices must make application in writing within sixty days after the effective date herein to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, for written permission to continue such sales. The application shall be in duplicate and shall contain the following information:

(1) The name and address of the applicant and the exact locations of all his processing plants involved in the application.

(2) The length of time he has been engaged in distributing milk at a uniform price in all markets served.

(3) The names of all communities served prior to April 28, 1942.

(4) The highest uniform price charged for each size and container during March 1942.

(5) The names of all communities served during the year ending September 1, 1944, and the selling prices in each such community.

(6) The volume (in terms of quarts) sold and delivered in each community during September 1944.

(7) The names and addresses of retailers who purchase at wholesale.

The Atlanta Regional Office of the Office of Price Administration may by written order grant permission to the applicant to function as a one-price distributor selling at a uniform price in particular markets served.

(c) Retail sellers who purchase milk from such a one-price distributor may take a markup not exceeding two cents per quart and one cent per smaller container over the wholesale price established in the pricing order issued under the authority of this section.

(d) No one-price distributor, or retailer purchasing from a distributor, shall sell milk at a price in excess of the maximum price established in section 14, until a uniform pricing order has been issued by the Atlanta Regional Office authorizing a named one-price distributor to charge other maximum prices. This section 6 (d) becomes effective June 15, 1945.

SEC. 7. *Maximum prices of premium milk.* (a) The sellers named in section 16 are authorized to sell premium milk of the types there specified at the maximum prices set forth opposite their respective names. These maximum prices have been established by filings under Supplementary Regulation 14A or by orders issued by the Atlanta Regional Office under supplementary regulation 14A to the General Maximum Price Regulation.

(b) Any seller not named in the table in section 16 who desires to sell a "special" fluid whole milk or buttermilk at a "premium" price must apply in writing to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, within sixty days after the effective date of this order for permission to sell such special milk at a premium price. The application shall be in duplicate and shall contain the following information:

(1) The total quantity, expressed in quarts, of milk (or buttermilk) sold during the month of March, 1943.

(2) The quantity of each type of special fluid whole milk (or special buttermilk) sold at a premium price during the month of March, 1943.

(3) The established differential for each size and container between the selling price of each type of special fluid whole milk (or special buttermilk) and the selling price of standard approved milk (or buttermilk) during March 1942 in the particular market.

(c) The Atlanta Regional Office may issue orders authorizing distributors to sell a monthly maximum quantity of premium whole milk or buttermilk at a premium price representing such quantity at the established differential not to exceed the quantity of each type of special milk sold in March, 1943. Except, this monthly quantity limitation shall not apply to producer-distributors or to retail stores which purchase at wholesale from a distributor or producer-distributor, or to sellers who were not selling special milk in March, 1943.

The Atlanta Regional Office shall give consideration to the differentials customarily established by the applicant between his prices on standard approved fluid whole milk or standard buttermilk and "special" fluid whole milk or "special" buttermilk. In the event the applicant is unable to show such an established differential in March, 1942, the Atlanta Regional Office shall give consideration to the price differential or differentials normal to the trade and prevailing during March, 1942, in the particular market or markets served by the applicant. Unless the applicant is able to show that he had an established price differential during March 1942, or that there was an established differential on the part of other sellers in the particular market or markets during that month, the Atlanta Regional Office shall not grant him permission to sell a special whole milk or buttermilk at a premium price.

(d) A retail store which purchases special milk at wholesale from a distributor or producer-distributor who has been granted permission by a written order to charge a premium wholesale price on such special milk may add a markup not exceeding two cents per quart or one cent per smaller container to the maximum wholesale price as established in the written order to the distributor or producer-distributor.

(e) The Atlanta Regional Office may correct or revise any maximum prices established for any type of special milk with regard to the differentials prevailing in adjoining areas.

(f) Any seller who is authorized to sell special fluid milk or special buttermilk at a premium price according to the terms of this section may apply to the Atlanta Regional Office for permission to increase the maximum monthly quantity of such premium fluid milk which he is permitted to sell according to the terms of this section or of a written order issued by the Atlanta Regional Office under the provisions of this section. In filing such an application the seller must

furnish figures showing the monthly quantity, expressed in quarts, of his sales of standard fluid milk (or plain buttermilk), the present and requested maximum monthly quantity of premium milk (or buttermilk); and in addition, he shall demonstrate that the failure to grant his application will result in hardship.

SEC. 8. *Maximum prices for sales of fluid whole milk or buttermilk to the Army and Navy.* The maximum price for the sale of fluid whole milk or buttermilk to the Army and Navy shall be the seller's lowest maximum price established at the plant from which delivery is made, for fluid whole milk or buttermilk sold at wholesale to any class of purchaser or purchasers (exclusive of sales to the Army or Navy) in the particular size and type of container, plus (1) 1¢ per quart or a proportionate amount for a part of a quart, or (2) at the election of the seller, the actual transportation costs from the seller's plant, branch loading station, or depot to the point of delivery, not to exceed the lowest common carrier rates: *Provided,* That neither the 1¢ per quart nor any transportation charge may be added by the seller if the Army or Navy accepts delivery f. o. b. the seller's plant, branch loading station or depot; *And provided further,* That no seller shall add the actual transportation costs from the seller's plant, branch loading station, or depot, to the point of delivery unless he shall within ten days after entering into a contract with the Army and Navy, or after the making of the first delivery to an Army or Navy destination where no contract has been entered into, file with the Atlanta Regional Office, Candler Buiding, Atlanta, Georgia, a statement setting forth: The price per container established with transportation charges added, together with the method of computation of the price and the transportation charges; the location of seller's plant; the place of delivery of such milk, and the round-trip distance involved. This report shall be made on blanks furnished by the Atlanta Regional Office if that office so requests.

PART II—MODIFICATION OF MAXIMUM PRICES FOR PURCHASES FROM PRODUCERS FOR RESALE AS FLUID MILK

SEC. 9. *Explanation of this part.* (a) Part II of this adjustment order establishes maximum prices which purchasers in the State of Florida may pay producers for bulk fluid milk delivered to a bottling plant in such State for resale as fluid milk. This order establishes maximum f. o. b. plant prices in dollars and cents per cwt., per gallon, or per pound of butterfat, according to the county in which a given purchaser's bottling plant is located which are alternative to the maximum prices established by the purchaser to a particular producer in January, 1943. This adjustment establishes the maximum price which a given purchaser may pay to a particular producer situated in the following circumstances: (1) an individual producer from whom that purchaser bought milk in January, 1943; (2) an individual producer who sold his milk to another purchaser (or purchasers) in January, 1943; and (3) an individual producer who did not sell bulk fluid milk for resale for human consumption in January, 1943.

(b) The adjustment effected by this Part II supersedes all adjustment or other orders issued under Maximum Price Regulation 329, including orders issued by the Atlanta Regional Office which are in effect at the date of the issuance of this order unless specifically set out in section 18, except where a maximum price for a particular purchase fixed in such order is not provided by this adjustment order. Specifically, this order supersedes Order G–4 and the provisions of Maximum Price Regulation 329 as amended insofar as they are inconsistent with the terms of this order.

SEC. 10. *Exempt sales.* This part II shall not apply to the following:

(a) Purchases of milk from producers at a price lower than $2.75 per cwt. f. o. b. receiving station or processing plant for milk of 4 per cent butterfat content, or its equivalent price in other terms;

(b) Purchases of manufacturing milk from producers;

(c) Purchases of milk from producers at retail by ultimate consumers;

(d) Purchases of bottled milk at wholesale from producers;

(e) Purchases of bulk milk at wholesale from producers by stores, hotels, restaurants, institutions, and the Army and Navy;

(f) Purchases from farmers or farmers' cooperatives of milk with respect to which they are not producers as defined in this order;

(g) Purchases from a producer when the milk is delivered to a receiving station or processing plant operated under or directly subject to any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937 as amended. The maximum prices for such purchases are established by Maximum Price Regulation 329.

SEC. 11. *Definitions for the purposes of Part II of this order.* (a) "Milk" means liquid cow's milk in a raw, unprocessed state which is purchased in bulk for resale for human consumption as fluid milk. It shall also include all milk classed as Class I or fluid milk in a particular market, regardless of its use.

(b) "Manufacturing milk" means liquid cow's milk in a raw unprocessed state which is purchased for use in (1) commercial or industrial products, and (2) manufactured dairy and food products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, ice cream, and bakery products, except milk classed as Class I or fluid milk in a particular market, regardless of its use.

(c) "In a raw and unprocessed state" means unpasteurized.

(d) "Grade" refers to the butterfat content and the quality and sanitary standards established by public health authorities.

(e) "Bottled" or "in bottles" means contained in glass or paper containers.

(f) "Bulk" or "in bulk" means contained in other than in glass or paper containers.

(g) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or other place on which milk is produced and who sold milk during January, 1943, or has sold or delivered milk to a purchaser for whom a maximum price has been established by a regional adjustment order set forth in section 18 below, or determined pursuant to the provisions of section 13 (b) (5) of this order. A farmers' cooperative is a producer with respect to all its sales of milk except milk processed by it or for it in a milk receiving or processing plant owned, leased or contracted for by the cooperative.

NOTE: This order does not prohibit the payment of patronage dividends by a farmers' cooperative in accordance with the provisions of Supplementary Order 84 issued by the Office of Price Administration.

(h) "New producer" means a producer who did not sell bulk milk in a raw and unprocessed state for resale for human consumption as fluid milk during January, 1943, and who has not sold or delivered milk to a purchaser for whom a maximum price has been established payable to him under a regional adjustment order set forth in section 18 below or determined pursuant to an application filed under section 13 (b) (5). The following persons who qualify under the preceding definition are, among others, to be considered new producers: (1) a producer who has acquired new production facilities since January 31, 1943; (2) a farmers' cooperative organized since January 31, 1943, which qualifies as a producer in accordance with the provisions of section 11 (g) of this order; (3) a producer who sold manufacturing milk only, during January, 1943, but who has since begun to sell bulk milk to a purchaser for resale in fluid form; and (4) a producer who processed and distributed his entire output at wholesale and/or retail during the month of January, 1943, but who has since begun to sell bulk fluid milk to a purchaser for resale in fluid form.

(i) "Applicable butterfat differential" means plus or minus 5¢ per cwt. ($4\frac{3}{100}$¢ per gallon) for each $\frac{1}{10}$ of 1 percent by which the butterfat content varies above or below 4 percent, whichever the case may be.

(j) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(k) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(l) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended and in § 1351.404 of Maximum Price Regulation 329 as amended shall apply to the terms used in this order.

(m) "F. o. b. plant" means delivered to the plant where the milk is bottled. If delivery is made to a receiving station or cooling station, the purchaser shall deduct the actual transportation cost from such receiving station or cooling station to the bottling plant.

SEC. 12. *General provisions applicable to Part II*—(a) *Customary discounts, allowances and practices.* (1) A purchaser shall maintain his customary discount, allowance, or other price differential applicable to any purchase or class of purchases. A change therein is not prohibited, which results in a lower price.

(2) No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943, from the particular producer.

(3) Any purchaser who wishes to change the basis (weight, volume or butterfat test) on which he purchases milk from a producer may do so in accordance with the provisions of section 13 (e) of this order.

(b) *Transfer of business or stock in trade*—(1) *Purchasers.* If the business, stock in trade, or assets of any purchaser subject to this regulation are sold or otherwise transferred on or after February 13, 1943, the maximum prices for purchases of milk by a transferee shall be the same as those to which his transferor would have been subject if no transfer had occurred. In the event that the transferee has purchased milk from other producers prior to the transfer, this paragraph shall be applicable only to maximum prices payable to the producers who were selling milk to the transferor prior to such transfer. Such purchaser shall have the same obligation to keep records to verify such prices as applied to the transferor. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to transfer which are necessary to enable the latter to maintain records required by Maximum Price Regulation 329.

(2) *Producers.* If the business, stock in trade, or assets of any producer are sold or otherwise transferred on or after February 13, 1943, to a person who has not prior thereto sold or delivered milk for resale as fluid milk, the maximum prices which a purchaser may pay the transferee shall be the same as the maximum prices which the purchaser could have paid the transferor if no transfer had taken place. Such transferee shall be considered a "producer" for the purposes of this order.

(c) Unless the context otherwise requires, all the provisions of Maximum Price Regulation 329 as amended shall apply to all persons covered by this order.

SEC. 13. *Maximum prices.* (a) The following provisions in conjunction with the tables set forth in section 17 establish maximum prices for all purchasers covered by this Part II.

(b) *Pricing method applicable to every purchaser whose bottling plant is located in a county named in section 17.* (1) The maximum price which a purchaser may pay to any producer from whom he purchased milk in January, 1943, or to any producer from whom he has purchased milk prior to the effective date of this order in accordance with the provisions of a regional adjustment order listed in section 18 below, is the maximum price per cwt. or gallon of milk of 4 percent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and to other terms specified in the table, or the highest price paid to that producer during January, 1943, or the maximum price named for that purchaser as payable to the particular producer under the provisions of such regional adjustment order, whichever is higher.

(2) The maximum price which a purchaser may pay for milk to a particular producer who sold his "milk" to another purchaser (or purchasers) during January, 1943, shall be the highest price for milk of the same grade and butterfat content which any such other purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser may pay for milk to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 percent butterfat content (or pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and other terms specified in such table.

(4) The maximum price which a purchaser may pay for milk to a particular producer to whom a maximum price payable by any other purchaser has been established in a regional adjustment order listed in section 18 below or issued hereafter under the provisions of section 13 (b) (5) shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order or under the provisions of such regional adjustment order, whichever is higher.

(5) The maximum price which a purchaser may pay for "milk" to a new producer who did not sell "milk" to any purchaser in September 1944, shall be determined as follows:

(i) The purchaser must file an application with the Atlanta Regional Office for the determination of a maximum price payable to the new producer. This application must be filed in duplicate with the Atlanta Regional Office, Candler Building, Atlanta 3, Georgia, and shall include the following information:

(*a*) The name and address of the purchaser and the new producer (or producers).

(*b*) A statement from the appropriate Health Department, setting forth the following facts;

(*1*) That the new producer (or producers) has qualified for the production of milk for human consumption;

(2) The prevailing price paid to producers in the production area in which the new producer (or producers) is located.

(*c*) If the new producer distributed bottled milk in January, 1943, a statement showing the approximate volume of such bottled milk at the time of application, with the localities of sale and the selling price or prices.

(c) *Pricing method for a purchaser who bought part of a producer's milk in January 1943.* If two or more purchasers purchased milk from a particular producer in January, 1943, at different prices, each such purchaser may pay to that particular producer a maximum price no higher than the maximum price any purchaser is permitted to pay that producer under the terms of this order.

(d) *New purchasers.* A new purchaser who was not engaged in the business of purchasing milk during January, 1943, and subsequently engages in such business without purchasing an existing business or establishment shall determine his maximum price to producers except new producers in accordance with the provisions of section 15 (b) or (c), whichever is applicable. Regional or district offices of the Office of Price Administration will assist such purchaser in ascertaining the correct maximum price. If such a purchaser desires to purchase milk from a "new producer", his maximum price shall be a price determined by the Atlanta Regional Office upon application by him. His application shall set forth the information specified in subdivisions (*a*), (*b*) and (*c*) of section 15 (b) (5) (i) of this order.

(e) *Butterfat standards.* (1) Any purchaser whose maximum price to an individual producer has been established without reference to a butterfat test shall employ such maximum price to that producer as if it referred to 4 per cent milk, if and when a butterfat test is instituted. Any purchaser whose maximum price to an individual producer has been established on a butterfat base standard other than 4 per cent shall employ such maximum base price in purchasing milk testing 4 per cent. This maximum price may be increased 5¢ per cwt. for each $\frac{1}{10}$ of 1 per cent by which the butterfat content exceeds 4 per cent, and this maximum price must be reduced by 5¢ per cwt. for each $\frac{1}{10}$ of 1 per cent by which the butterfat content is lower than 4 per cent. Any purchaser who purchased milk from a producer without reference to a butterfat test during January, 1943, and continues to do so, may pay such producer a maximum price which is the higher of the following: (1) the maximum price so established to such producer in January, 1943; or (2) the appropriate price per cwt. or per gallon named in the table in section 17.

(2) No purchaser may pay a maximum price for milk to a particular producer in terms of the pound of butterfat in such milk unless that purchaser, or another purchaser, purchased milk from that producer according to the pound of butterfat in January, 1943: *Provided,* That a purchaser who paid for milk according to the pound of butterfat in January, 1943, may apply to the Atlanta Regional Office for permission to pay a new producer according to the pound of butterfat in accordance with subparagraph 13 (b) (5) above: *Provided, further,* That a purchaser who paid his producers according to the pound of butterfat in January, 1943, may adopt the corresponding price per cwt. or per gallon of milk at 4 per cent butterfat content, with the applicable butterfat differential, as specified in the table in section 17.

PART III—LIST OF PRICE TABLES AND ATLANTA REGIONAL OFFICE ADJUSTMENT ORDERS IN EFFECT

SEC. 14. *Maximum prices for approved fluid whole milk and buttermilk in the State of Florida.* (a) *Area 5.* Area 5 in

the State of Florida shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Calhoun, Columbia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Madison, Okaloosa, Osceola, Santa Rosa, Suwannee, Walton, and Washington.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 5 in the State of Florida, shall be the maximum price set forth in table 5.

TABLE 5

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	56	-----	-----
	1.1 to 5 gals. bulk	56	-----	-----
	Gallon	58	62	62
	Quart	15	17	17
	Pint	8	9	9
	½ quart	6	7	7
	½ pint	4¼	5½	5½
Buttermilk: Plain, cultured, or churned.	Gallon	36	42	42
	Quart	10	12	12
	Pint	6	7	7

Provided, That the maximum price at which any seller may sell or deliver approved fluid milk in a pint or smaller container shall be either the price set forth above or the maximum price for such size container established by such seller under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

(b) *Area 6A.* Area 6A in the State of Florida shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Alachua, Bay,[1] Citrus, Dixie, Escambia, Franklin, Gilchrist,[1] Gulf,[1] Hardee, Hernando, Hillsborough, Levy, Liberty,[1] Manatee, Marion, Pasco, Pinellas, Sarasota, Taylor, and Wakulla.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 6A in the State of Florida, shall be the maximum price set forth in table 6A.

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	56	-----	-----
	1.1 to 5 gals. bulk	56	-----	-----
	Gallon	58	64	66
	Quart	15	17	18
	Pint	8	9	9
	½ quart	6½	8	8
	½ pint	4¼	5½	5½
Buttermilk: Plain, cultured, or churned.	Gallon	40	46	46
	Quart	11	13	13
	Pint	6	7	7

[1] See proviso below table 6A.

Provided, That the maximum price at which any seller may sell or deliver approved fluid milk in a pint or smaller container shall be the price set forth above or the maximum price for such size container established by such seller under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

Provided, The adjusted maximum wholesale or retail price of plain buttermilk, cultured or churned, sold or delivered in Gilchrist and Liberty Counties in bulk or bottles, shall be the maximum price named in table 6a above or the maximum price established under the General Maximum Price Regulation or Maximum Price Regulation 280, whichever is higher.

Provided, The adjusted maximum wholesale or retail out-of-store price of whole milk or buttermilk sold and delivered in Bay and Gulf Counties in paper containers shall be one cent (1¢) higher than the price set forth in table 6A for the glass container of the same content.

(c) *Area 7.* Area 7 in the State of Florida shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Brevard, Collier, Hendry,[1] Indian River, Lee, Martin, Palm Beach, St. Lucie, and Monroe, except the Florida Keys extending south and west from and including Key Largo to and including Key West.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 7 in the State of Florida, shall be the maximum price set forth in table 7.

TABLE 7

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	64	-----	-----
	1.1 to 5 gals. bulk	64	-----	-----
	Gallon	66	74	74
	Quart	17	19	19
	Pint	10	11	11
	½ quart	7	8	8
	½ pint	4¾	6	6
Buttermilk: Plain, cultured, or churned.	Gallon	44	50	50
	Quart	12	14	14
	Pint	7	8	8

Provided, That the maximum price at which any seller may sell or deliver approved fluid milk in a pint or smaller container shall be the price set forth above or the maximum price for such size container established by such seller under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

(d) *Area 7A.* Area 7A in the State of Florida shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

[1] See proviso below table 7.

Counties: Baker, Bradford, Broward, Charlotte,[1] Clay, Dade,[1] De Soto,[1] Duval, Flagler, Glades, Highlands, Lake, Nassau, Okeechobee, Orange, Polk, Putnam, St. Johns, Seminole, Sumter, Union, and Volusia.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 7A in the State of Florida, shall be the maximum price set forth in table 7A.

TABLE 7A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	60	-----	-----
	1.1 to 5 gals. bulk	60	-----	-----
	Gallon	62	68	70
	Quart	16	18	19
	Pint	9	10	10
	½ quart	7	8	8
	½ pint	4½	6	6
Buttermilk: Plain, cultured, or churned.	Gallon	44	50	50
	Quart	12	14	14
	Pint	7	8	8

Provided, That the maximum price at which any seller may sell or deliver approved fluid milk in a pint or smaller container shall be the price set forth above or the maximum price for such size container established by such seller under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

Provided, The adjusted maximum wholesale or retail price of plain buttermilk, cultured or churned, sold or delivered in Charlotte and DeSoto Counties in bulk or bottles, shall be the maximum price named in Table 7A above or the maximum price established under the General Maximum Price Regulation or Maximum Price Regulation, whichever is higher.

Provided, The maximum price for whole milk sold and delivered in Dade County in quart and pint paper containers shall be 1 cent higher than the corresponding maximum price set forth above.

(e) *Area 8.* Area 8 in the State of Florida shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: The Florida Keys of Monroe County extending south and west from and including Key Largo to and including Key West.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 8 in the State of Florida, shall be the maximum price set forth in table 8.

[1] See proviso below table 7A.

TABLE 8

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	76	-----	-----
	1.1 to 5 gals. bulk	76	-----	-----
	Gallon	78	86	86
	Quart	20	22	22
	Pint	11	12	12
	½ quart	8	9	9
	½ pint	5¼	6½	6½
Buttermilk: Plain cultured or churned.	Gallon	54	62	62
	Quart	15	17	17
	Pint	8	9	9

Provided, That the maximum price at which any seller may sell or deliver approved fluid milk in a pint or smaller container shall be the price set forth above or the maximum price for such size container established by such seller under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

Provided, The adjusted maximum wholesale or retail price of plain buttermilk, cultured or churned, and sold or delivered in bulk or bottles, shall be the maximum price named in table 8 above or the maximum price established under the General Maximum Price Regulation or Maximum Price Regulation 280, whichever is higher.

SEC. 15. *List of Atlanta Regional Office adjustment orders under GMPR, SR 14A, SR 15, and MPR 280 which apply to sellers of fluid milk in the State of Florida and which remain in effect.*

Regional docket No. IV	Issue date	Effective date	Seller's name and address
280-14	4-15-44	4-20-44	Order G-3. All interhandlers.
280-14	5- 4-44	5- 9-44	Amdt. 1 to Order G-3. All interhandlers.
280-14	6-24-44	6-29-44	Amdt. 2 to Order G-3. All interhandlers.
280-14	9-20-44	9-20-44	Amdt. 3 to Order G-3. All interhandlers.

SEC. 16. *List of authorized processors of premium milk in the State of Florida.*

Regional Docket No. IV	Name & address of processor	Type of milk	Maximum quart prices		Date of authorization
			Wholesale	Retail	
SR 14-P. M.-23	Southern Dairies, Jacksonville.	Homo-Vit-D	$0.17	$0.20	7-30-43
SR 14-P. M.-23	Southern Dairies, Miami	Homo-Vit-D	.17	.20	7-30-43
SR 14-P. M.-23	Southern Dairies, St. Petersburg.	Homo-Vit-D	.16	.19	7-30-43
SR 14P. M.-23	Southern Dairies, West Palm Beach.	Certified	.18	.20	7-30-43
SR 14-P. M.-23	Southern Dairies, West Palm Beach.	Homo-Vit-D	.18	.20	7-30-43
SR 14A-73A (A)-(1)-1	Forman's Sanitary Dairy, Ft. Lauderdale.	Gr. A Raw, Gr. A Past., Homogenized Vit-D.	.16	.21	12- 9-44

SEC. 17. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in named counties in the State of Florida.*

County	Maximum price of 4% milk, F.O.B. plant	
	Per cwt.	Per gal.
Alachua	$4.58	$0.394
Baker	4.884	.42
Bay	4.58	.394
Bradford	4.884	.42
Brevard	5.126	.44
Broward	4.884	.42
Calhoun	4.40	.378
Charlotte	4.884	.42
Citrus	4.58	.394
Clay	4.884	.42
Collier	5.126	.44
Columbia	4.40	.378
Dade	4.884	.42
De Soto	4.884	.42
Dixie	4.58	.394
Duval	4.884	.42
Escambia	4.58	.394
Flagler	4.884	.42
Franklin	4.58	.394
Gadsden	4.40	.378
Gilchrist	4.58	.394
Glades	4.884	.42
Gulf	4.58	.394
Hamilton	4.40	.378
Hardee	4.58	.394
Hendry	5.126	.44
Hernando	4.58	.394
Highlands	4.884	.42
Hillsborough	4.58	.394
Holmes	4.40	.378
Indian River	$5.126	$0.44
Jackson	4.40	.378
Jefferson	4.40	.378
Lafayette	4.40	.378
Lake	4.884	.42
Lee	5.126	.44
Leon	4.40	.378
Levy	4.58	.394
Liberty	4.58	.394
Madison	4.40	.378
Manatee	4.58	.394
Marion	4.58	.394
Martin	5.126	.44
Monroe	5.126	.44
Nassau	4.884	.42
Okaloosa	4.40	.378
Okeechobee	4.884	.42
Orange	4.884	.42
Osceola	4.40	.378
Palm Beach	5.126	.44
Pasco	4.58	.394
Pinellas	4.58	.394
Polk	4.884	.42
Putnam	4.884	.42
St. Johns	4.884	.42
St. Lucie	5.126	.44
Santa Rosa	4.40	.378
Sarasota	4.58	.394
Seminole	4.884	.42
Sumter	4.884	.42
Suwannee	4.40	.378
Taylor	4.58	.394
Union	4.884	.42
Volusia	4.884	.42
Wakulla	4.58	.394
Walton	4.40	.378
Washington	4.40	.378

SEC. 18. *List of Atlanta Regional Office adjustment orders under MPR 329 which apply to purchasers of "milk" in Florida which remain in effect.* No other Atlanta Regional Office adjustment orders remain in effect which are applicable to purchasers of "milk" whose processing plants are located in Florida.

This order may be revoked, amended or corrected at any time.

This order shall become effective April 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved for producer prices only.

L. T. WELLS,
In Charge Southern Field Office, Dairy and Poultry Branch, Office of Market Services, War Food Administration.

[F. R. Doc. 45-6619; Filed, Apr. 24, 1945; 4:38 p. m.]

[Region IV Order G-17 Under SR 15, MPR 280 and MPR 329]

FLUID MILK IN GEORGIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329, it is hereby ordered:

PART I—ADJUSTMENT OF WHOLESALE AND RETAIL FLUID MILK PRICES IN THE STATE OF GEORGIA

SECTION 1. *Explanation of this part.* (a) The adjustment effected by this order establishes maximum prices in dollars and cents for fluid milk and buttermilk for each county (or community, if so designated) in the State of Georgia. It contains special pricing provisions for one-price distributors with a previous price history of selling at a uniform price in counties for which varying prices are fixed by this order. Sellers of premium milk are provided with a formula and method of establishing a maximum price. Adjustments or other orders issued under the General Maximum Price Regulation, Supplementary Regulation 15, and Maximum Price Regulation 280 which are in effect at the date of issuance of this order are superseded by the provisions of this adjustment, unless a particular order is expressly preserved and named in section 15, and except where a maximum price for a particular sale established in such order is not provided by this order.

(b) This order supersedes all the provisions of the General Maximum Price Regulation, Supplementary Regulation 14A, and Maximum Price Regulation 280 which are inconsistent herewith.

SEC. 2. *Exempt sales.* This order shall not apply to the following:

(a) Sales or deliveries by handlers of bulk fluid milk, which remain subject to Order G–3 under Maximum Price Regulation 280.

(b) Sales or deliveries of chocolate milk, chocolate drink, or other flavored milks, which remain subject to the General Maximum Price Regulation.

(c) Sales or deliveries of condensed or evaporated milk, which remain subject to Maximum Price Regulation 280, 289, 421, 422, or 423, whichever is applicable.

(d) Sales at retail by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment of fluid whole milk or buttermilk for consumption on the premises, or as part of a meal for consumption on the premises or as part of a meal for consumption off the premises. Maximum prices for such sales are established under a Restaurant Maximum Price Regulation.

(e) Sales or deliveries by a producer, if his sales of all commodities produced or processed on his farm totaled $75.00 or less in the preceding calendar month. This order shall apply, however, to such sales and deliveries made by a farmers' cooperative either as agent or otherwise.

(f) Such sales to the United States or its agencies or to certain foreign governments or their agencies as are exempted under section 4.3 (f) of Revised Supplementary Regulation 1 of the General Maximum Price Regulation as amended.

SEC. 3. *Definitions for the purposes of Part I of this order.* (a) "Fluid milk" means cow's milk, raw or processed, which is sold for human consumption in fluid form. It does not include condensed or evaporated milk.

(b) "Raw" means unpasteurized.

(c) "Processed" means subjected to an operation including but not limited to cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, separation, culturing, homogenization, or vitamin fortification.

(d) "Bottled" or "in bottles" means contained in glass or paper containers of one quart or less.

(e) "Bulk" means contained in any type of container, whether supplied by the buyer or the seller, holding more than one quart.

(f) "Approved fluid milk" means fluid milk which at least satisfies the minimum butterfat content and sanitary and health standards established by the appropriate governmental authority in the area where delivered and in addition, for purchases by the armed forces, the standards established by the Army and Navy. Fluid milk is "approved" in the absence of specific disqualification by the appropriate authority.

(g) "Special fluid whole milk" means approved fluid milk which in addition (1) complies with quality or production standards established by governmental authorities or non-governmental medical, farm, or trade bodies, or (2) contains high butterfat content, or (3) is processed in addition to or other than by cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, or separation. For example, it includes "Certified", "Golden Guernsey", "Jersey Creamline", high fat content, homogenized and Vitamin D milks.

(h) "Standard fluid milk" or "regular fluid milk" means approved fluid milk other than special fluid milk as defined above.

(i) "Premium fluid milk" means special fluid whole milk (or special buttermilk) (1) which was sold at a premium differential above standard or regular fluid milk (or plain buttermilk) in the particular market during March, 1942, or (2) for which a price differential above standard or regular fluid milk has been established in accordance with the provisions of this order.

(j) "Plain buttermilk" means buttermilk from which all or a portion of the butterfat has been removed by churning, skimming, or the application of centrifugal force and which has been inoculated with lactic acid forming bacteria or in which such bacteria have been incubated through processes, with the result that the product contains lactic acid in excess of ½ per cent.

(k) "Special buttermilk" means buttermilk which has been subjected to additional processing or contains 1 per cent butterfat or more.

(l) "Home delivered" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes.

(m) "Out-of-store" means a sale of fluid milk at retail by a grocery store, dairy store, or any other establishment selling milk, whether or not the milk is delivered. For example, it includes a sale of fluid milk at retail by a milk distributor at his plant or place of business, by an eating or drinking establishment of fluid milk as a separate item for consumption off the premises and not as part of a meal, and by a drug store unless exempted under Section 2 (d) above.

(n) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(o) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) any institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(p) "Sale to the Army and Navy" means a sale to the War Department or to the Department of the Navy of the United States. It shall include any sale to Army and Navy sales stores, commissaries, ships' stores, officers' messes, and stores operated as army canteens or post exchanges.

(q) "One-price distributor" means a person who operated at a uniform price prior to April 28, 1942, regardless of the prevailing price in any given territory served by him.

(r) "County" means a geographical area including but not limited to all towns, villages, cities, and other municipalities located within the geographical limits of the area designated as such by name in section 14. All exceptions are stated specifically.

(s) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended, in § 1499.20 of the General Maximum Price Regulation, and in § 1351.816 (a) of Maximum Price Regulation 280 shall apply to the terms used herein.

SEC. 4. *General provisions applicable to Part 1*—(a) *Customary discounts, allowances and practices.* (1) A seller shall maintain his customary discount, allowance, or other price differential to a purchaser or class of purchasers. A change therein is not prohibited, which results in a lower price.

(2) No person shall charge a larger proportion of transportation costs incurred in the delivery of fluid milk than he charged to a purchaser or class of purchasers during March, 1942, in the case of bottled milk, and September 28–October 2, 1942, for bulk milk.

(b) *Posting of retail maximum prices.* Each seller of fluid whole milk in quarts at retail shall clearly mark the maximum price per quart on the bottle or container in which the milk is sold, or post the maximum price per quart conspicuously at or near the place where the milk is offered for sale. This posting requirement shall not apply to any seller whose only sales at retail are to his own employees. In the case of home delivery, the posting requirements shall be satisfied by posting the maximum price per quart of standard fluid whole milk conspicuously on one side of the delivery vehicle or printing it on the monthly statement or cash sales ticket as follows: "Ceiling price ____¢ per quart" or "Our Ceiling Price ____¢ per quart."

(c) *Sales at retail of fluid milk in container sizes of less than one quart.* The maximum prices established in this order for retail sales of fluid milk in container sizes of less than one quart are applicable only in those areas or places where sales at retail in such container sizes are not prohibited by any order or orders issued by the War Food Administration.

(d) *Calculations.* On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more and shall decrease the price to the next lower cent if the fraction is less than ½¢. On sales of more than one unit where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent. Home deliveries of two or more containers on the same delivery shall be considered multiple unit sales.

SEC. 5. *Maximum dollars and cents prices.* The maximum prices set forth in section 14 are applicable to any sale or delivery of approved fluid milk within the named county except as modified hereinafter in specific sections. The maximum price of fluid milk specifically disqualified by a health authority shall

be determined under § 1499.2 of the General Maximum Price Regulation: *Provided*, That in no event shall such maximum price exceed the maximum price of approved fluid milk set forth in section 14 for the particular county (or community) where the disqualified milk is sold and delivered.

SEC. 6. *Maximum prices for one-price distributors and retail sellers who purchase from such distributors.* (a) A one-price distributor whose price for a given size or container was uniform in all markets served prior to April 28, 1942, pursuant to a policy of uniform pricing and regardless of the prices secured by other sellers in the various communities served by him, may continue to sell that size or container at a uniform price in those particular markets if he applies for and is granted a written order under the provisions of paragraph (b) of this section.

(b) Any person desiring to continue selling at a uniform maximum price in communities for which this order provides different maximum prices must make application in writing within sixty days after the effective date hereof to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, for written permission to continue such sales. The application shall be in duplicate and shall contain the following information:

(1) The name and address of the applicant and the exact locations of all his processing plants involved in the application.

(2) The length of time he has been engaged in distributing milk at a uniform price in all markets served.

(3) The names of all communities served prior to April 28, 1942.

(4) The highest uniform price charged for each size and container during March, 1942.

(5) The names of all communities served during the year ending September 1, 1944, and the selling prices in each such community.

(6) The volume (in terms of quarts) sold and delivered in each community during September, 1944.

(7) The names and addresses of retailers who purchase at wholesale.

The Atlanta Regional Office of the Office of Price Administration may by written order grant permission to the applicant to function as a one-price distributor selling at a uniform price in particular markets served.

(c) Retail sellers who purchase milk from such a one-price distributor may take a markup not exceeding two cents per quart and one cent per smaller container over the wholesale price established in the pricing order issued under the authority of this section.

(d) No one-price distributor, or retailer purchasing from a distributor, shall sell milk at a price in excess of the maximum price established in section 14, until a uniform pricing order has been issued by the Atlanta Regional Office authorizing a named one-price distributor to charge other maximum prices. This section 6 (d) becomes effective June 15, 1945.

SEC. 7. *Maximum prices of premium milk.* (a) The sellers named in section 16 are authorized to sell premium milk of the types there specified at the maximum prices set forth opposite their respective names. These maximum prices have been established by filings under Supplementary Regulation 14A or by orders issued by the Atlanta Regional Office under Supplementary Regulation 14A to the General Maximum Price Regulation.

(b) Any seller not named in the table in section 16 who desires to sell a "special" fluid whole milk or buttermilk at a "premium" price must apply in writing to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, within sixty days after the effective date of this order for permission to sell such special milk at a premium price. The application shall be in duplicate and shall contain the following information:

(1) The total quantity, expressed in quarts, of milk (or buttermilk) sold during the month of June 1943.

(2) The quantity of each type of special fluid whole milk (or special buttermilk) sold at a premium price during the month of June 1943.

(3) The established differential for each size and container between the selling price of each type of special fluid whole milk (or special buttermilk) and the selling price of standard approved milk (or buttermilk) during March 1942 in the particular market.

(c) The Atlanta Regional Office may issue orders authorizing distributors to sell a monthly maximum quantity of premium whole milk or buttermilk at a premium price representing such quantity at the established differential, not to exceed the quantity of each type of special milk sold in June, 1943. Except, this monthly quantity limitation shall not apply to producer-distributors or to retail stores which purchase at wholesale from a distributor or producer-distributor, or to sellers who were not selling special milk in June, 1943.

The Atlanta Regional Office shall give consideration to the differentials customarily established by the applicant between his prices on standard approved fluid whole milk or standard buttermilk and "special" fluid whole milk or "special" buttermilk. In the event the applicant is unable to show such an established differential in March, 1942, the Atlanta Regional Office shall give consideration to the price differential or differentials normal to the trade and prevailing during March, 1942, in the particular market or markets served by the applicant. Unless the applicant is able to show that he had an established price differential during March, 1942, or that there was an established differential on the part of other sellers in the particular market or markets during that month, the Atlanta Regional Office shall not grant him permission to sell a special whole milk or buttermilk at a premium price.

(d) A retail store which purchases special milk at wholesale from a distributor or producer-distributor who has been granted permission by a written order to charge a premium wholesale price on such special milk may add a markup not exceeding two cents per quart or one cent per smaller container to the maximum wholesale price as established in the written order to the distributor or producer-distributor.

(e) The Atlanta Regional Office may correct or revise any maximum prices established for any type of special milk with regard to the differentials prevailing in adjoining areas.

(f) Any seller who is authorized to sell special fluid milk or special buttermilk at a premium price according to the terms of this section may apply to the Atlanta Regional Office for permission to increase the maximum monthly quantity of such premium fluid milk which he is permitted to sell according to the terms of this section or of a written order issued by the Atlanta Regional Office under the provisions of this section. In filing such an application the seller must furnish figures showing the monthly quantity, expressed in quarts, of his sales of standard fluid milk (or plain buttermilk), the present and requested maximum monthly quantity of premium milk (or buttermilk); and in addition, he shall demonstrate that the failure to grant his application will result in hardship.

SEC. 8. *Maximum prices for sales of fluid whole milk or buttermilk to the Army and Navy.* The maximum price for the sale of fluid whole milk or buttermilk to the Army and Navy shall be the seller's lowest maximum price established at the plant from which delivery is made, for fluid whole milk or buttermilk sold at wholesale to any class of purchaser or purchasers (exclusive of sales to the Army or Navy) in the particular size and type of container, plus (1) ½¢ per quart or a proportionate amount for a part of a quart, or (2) at the election of the seller, the actual transportation costs from the seller's plant, branch loading station, or depot to the point of delivery, not to exceed the lowest common carrier rates: *Provided*, That neither the ½¢ per quart nor any transportation charge may be added by the seller if the Army or Navy accepts delivery f. o. b. the seller's plant, branch loading station or depot; and *Provided, further*, That no seller shall add the actual transportation costs from the seller's plant, branch loading station, or depot, to the point of delivery unless he shall within ten days after entering into a contract with the Army and Navy, or after the making of the first delivery to an Army or Navy destination where no contract has been entered into, file with the Atlanta Regional Office, Candler Building, Atlanta, Georgia, a statement setting forth: the price per container established with transportation charges added, together with the method of computation of the price and the transportation charges; the location of seller's plant; the place of delivery of such milk, and the round-trip distance involved. This report shall be made on blanks furnished by the Atlanta Regional Office if that office so requests.

PART II—MODIFICATION OF MAXIMUM PRICES FOR PURCHASES FROM PRODUCERS FOR RESALE AS FLUID MILK

SEC. 9. *Explanation of this part.* (a) Part II of this adjustment order establishes maximum prices which purchasers in the State of Georgia may pay producers for bulk fluid milk delivered to a bottling plant in such state for resale as fluid milk. For the great majority of such purchases this order establishes maximum f. o. b. plant prices in dollars and cents per cwt., per gallon,

or per pound of butterfat, according to the county in which a given purchaser's bottling plant is located which are alternative to the maximum prices established by the purchaser to a particular producer in January, 1943. A pricing method is provided for all other purchases by which the purchaser may choose between the highest price paid in January, 1943, to a particular producer and a tabular maximum price which depends upon the retail price per quart, established before August 31, 1944, for the market where the milk is resold. This adjustment establishes the maximum price which a given purchaser may pay to a particular producer situated in the following circumstances: (1) an individual producer from whom that purchaser bought milk in January, 1943; (2) an individual producer who sold his milk to another purchaser, (or purchasers) in January, 1943; and (3) an individual producer who did not sell bulk fluid milk for resale for human consumption in January, 1943.

(b) The adjustment effected by this Part II supersedes all adjustment or other orders issued under Maximum Price Regulation 329, including orders issued by the Atlanta Regional Office which are in effect at the date of the issuance of this order unless specifically set out in Section 19, except where a maximum price for a particular purchase fixed in such order is not provided by this adjustment order. Specifically, this order supersedes Order G–4 and the provisions of Maximum Price Regulation 329 as amended insofar as they are inconsistent with the terms of this order.

SEC. 10. *Exempt sales.* This Part II shall not apply to the following:

(a) Purchases of milk from producers at a price lower than $2.75 per cwt. f. o. b. receiving station or processing plant for milk of 4 per cent butterfat content, or its equivalent price in other terms;

(b) Purchases of manufacturing milk from producers.

(c) Purchases of milk from producers at retail by ultimate consumers.

(d) Purchases of bottled milk at wholesale from producers.

(e) Purchases of bulk milk at wholesale from producers by stores, hotels, restaurants, institutions, and the Army and Navy;

(f) Purchases from farmers or farmers' cooperatives of milk with respect to which they are not producers as defined in this order;

(g) Purchases from a producer when the milk is delivered to a receiving station or processing plant operated under or directly subject to any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937 as amended. The maximum prices for such purchases are established by Maximum Price Regulation 329.

SEC. 11. *Definitions for the purposes of Part II of this order.* (a) "Milk" means liquid cow's milk in a raw, unprocessed state which is purchased in bulk for resale for human consumption as fluid milk. It shall also include all milk classed as class I or fluid milk in a particular market, regardless of its use.

(b) "Manufacturing milk" means liquid cows' milk in a raw unprocessed state which is purchased for use in (1) commercial or industrial products, and (2) manufactured dairy and food products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, ice cream, and bakery products, except milk classed as class I or fluid milk in a particular market, regardless of its use.

(c) "In a raw and unprocessed state" means unpasteurized.

(d) "Grade" refers to the butterfat content and the quality and sanitary standards established by public health authorities.

(e) "Bottled" or "in bottles" means contained in glass or paper containers.

(f) "Bulk" or "in bulk" means contained in other than in glass or paper containers.

(g) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or other place on which milk is produced and who sold milk during January, 1943, or has sold or delivered milk to a purchaser for whom a maximum price has been established by a regional adjustment order set forth in section 19 below, or determined pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order. A farmers' cooperative is a producer with respect to all its sales of milk except milk processed by it or for it in a milk receiving or processing plant owned, leased or contracted for by the cooperative.

NOTE: This order does not prohibit the payment of patronage dividends by a farmers' cooperative in accordance with the provisions of supplementary order 84 issued by the Office of Price Administration.

(h) "New producer" means a producer who did not sell bulk milk in a raw and unprocessed state for resale for human consumption as fluid milk during January, 1943, and who has not sold or delivered milk to a purchaser for whom a maximum price has been established payable to him under a regional adjustment order set forth in section 19 below or determined pursuant to an application filed under section 13 (b) (5) or section 13 (c) (4). The following persons who qualify under the preceding definition are, among others, to be considered new producers: (1) a producer who has acquired new production facilities since January 31, 1943; (2) a farmers' cooperative organized since January 31, 1943, which qualifies as a producer in accordance with the provisions of section 11 (g) of this order; (3) a producer who sold manufacturing milk only, during January, 1943, but who has since begun to sell bulk milk to a purchaser for resale in fluid form; and (4) a producer who processed and distributed his entire output at wholesale and/or retail during the month of January, 1943, but who has since begun to sell bulk fluid milk to a purchaser for resale in fluid form.

(i) "Applicable butterfat differential" means plus or minus 5¢ per cwt. ($4\frac{8}{100}$¢ per gallon) for each $\frac{1}{10}$ of 1 percent by which the butterfat content varies above or below 4 percent, whichever the case may be.

(j) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(k) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(l) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended and in § 1351.404 of Maximum Price Regulation 329 as amended shall apply to the terms used in this order.

(m) "F. o. b. plant" means delivered to the plant where the milk is bottled. If delivery is made to a receiving station or cooling station, the purchaser shall deduct the actual transportation cost from such receiving station or cooling station to the bottling plant.

SEC. 12. *General provisions applicable to Part II*—(a) *Customary discounts, allowances and practices.* (1) A purchaser shall maintain his customary discount, allowance, or other price differential applicable to any purchase or class of purchases. A change therein is not prohibited, which results in a lower price.

(2) No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943, from the particular producer.

(3) Any purchaser who wishes to change the basis (weight, volume or butterfat test) on which he purchases milk from a producer may do so in accordance with the provisions of section 13 (f) of this order.

(b) *Transfer of business or stock in trade*—(1) *Purchasers.* If the business, stock in trade, or assets of any purchaser subject to this regulation are sold or otherwise transferred on or after February 13, 1943, the maximum prices for purchases of milk by a transferee shall be the same as those to which his transferor would have been subject if no transfer had occurred. In the event that the transferee has purchased milk from other producers prior to the transfer, this paragraph shall be applicable only to maximum prices payable to the producers who were selling milk to the transferor prior to such transfer. Such purchaser shall have the same obligation to keep records to verify such prices as applied to the transferor. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to transfer which are necessary to enable the latter to maintain records required by Maximum Price Regulation 329.

(2) *Producers.* If the business, stock in trade, or assets of any producer are sold or otherwise transferred on or after February 13, 1943, to a person who has not prior thereto sold or delivered milk for resale as fluid milk, the maximum prices which a purchaser may pay the transferee shall be the same as the maximum prices which the purchaser could have paid the transferor if no transfer

had taken place. Such transferee shall be considered a "Producer" for the purposes of this order.

(c) Unless the context otherwise requires, all the provisions of Maximum Price Regulation 329 as amended shall apply to all persons covered by this Order.

SEC. 13. *Maximum prices.* (a) The following provisions in conjunction with the tables set forth in sections 17 and 18 establish maximum prices for all purchases covered by this Part II.

(b) Pricing method applicable to every purchaser whose bottling plant is located in a county named in section 17.

(1) The maximum price which a purchaser may pay to any producer from whom he purchased milk in January, 1943, or to any producer from whom he has purchased milk prior to the effective date of this order in accordance with the provisions of a regional adjustment order listed in section 19 below, is the maximum price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and to other terms specified in the table, or the highest price paid to that producer during January, 1943, or the maximum price named for that purchaser as payable to the particular producer under the provisions of such Regional Adjustment Order, whichever is higher.

(2) The maximum price which a purchaser may pay for milk to a particular producer who sold his "milk" to another purchaser (or purchasers) during January, 1943, shall be the highest price for milk of the same grade and butterfat content which any such other purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser may pay for milk to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 percent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and other terms specified in such table.

(4) The maximum price which a purchaser may pay for milk to a particular producer to whom a maximum price payable by any other purchaser has been established in a regional adjustment order listed in Section 19 below or issued hereafter under the provisions of Section 13 (b) (5) or Section 13 (c) (4) shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this Order or under the provisions of such regional adjustment order, whichever is higher.

(5) The maximum price which a purchaser may pay for "milk" to a new producer who did not sell "milk" to any purchaser in September, 1944, shall be determined as follows:

(i) The purchaser must file an application with the Atlanta Regional Office for the determination of a maximum price payable to the new producer. This application must be filed in duplicate with the Atlanta Regional Office, Candler Building, Atlanta 3, Georgia, and shall include the following information:

(*a*) The name and address of the purchaser and the new producer (or producers).

(*b*) A statement from the appropriate Health Department, setting forth the following facts:

(*1*) That the new producer (or producers) has qualified for the production of milk for human consumption;

(*2*) The prevailing price paid to producers in the production area in which the new producer (or producers) is located.

(*c*) If the new producer distributed bottled milk in January, 1943, a statement showing the approximate volume of such bottled milk at the time of application, together with the localities of sale and the selling price or prices.

(c) *Pricing method for purchasers with bottling plants not located in counties named in section 17.* (1) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a producer from whom he purchased milk during January, 1943, or subsequently purchased during a month named in a regional adjustment order issued to such purchaser and listed in section 19 below, shall be the higher of the following:

(i) The highest price paid by such purchaser to that particular producer during the month of January, 1943, or pursuant to the provisions of a regional adjustment order mentioned in the preceding paragraph: *Provided,* That a purchaser who buys on a butterfat basis may pay a maximum price for milk of a butterfat content of 4 percent, subject to the applicable butterfat differential, equivalent to the highest base price received by that producer during January, 1943, regardless of the base butterfat percentage then employed: *Provided, further,* That such a purchaser may pay a maximum price to that producer for milk of a butterfat content of 4 percent, subject to the applicable butterfat differential, equivalent to the highest flat price received by that producer in January, 1943, if the milk was purchased at that time without regard to butterfat test.

(ii) The highest price permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located.

(*a*) If the purchaser has himself established no home-delivered price for approved fluid milk in quart glass containers prior to August 31, 1944, but his bottling plant which receives delivery of particular milk is located in a county (or in a municipality if the prices in such municipality differ from those in the county in which such municipality is included) where the quart glass container price established by and common to the numerical majority of the purchasers (who have established such prices prior to August 31, 1944) is a price specifically set out in the table in Section 18. Such purchaser may pay the maximum price set forth opposite such specifically stated quart glass container price, treating the milk purchased as if it tested 4 per cent butterfat.

(2) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant, to a producer who sold his milk to another purchaser (or purchasers) during January, 1943 or September, 1944, to a purchaser named in a regional adjustment order listed in section 19 below or in an order issued pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order, shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located, subject to the provisions of Section 13 (c) (1) (ii) (*a*) of this order.

(4) The maximum price which a purchaser may pay for milk to a new producer who did not sell milk to any purchaser in September, 1944, shall be a price determined by the Atlanta Regional Office on application by the purchaser. Such purchaser shall supply the information set forth in section 13 (b) (5) of this order.

(d) *Pricing method for a purchaser who bought part of a producer's milk in January, 1943.* If two or more purchasers purchased milk from a particular producer in January, 1943, at different prices, each such purchaser may pay to that particular producer a maximum price no higher than the maximum price any purchaser is permitted to pay that producer under the terms of this order.

(e) *New purchasers.* A new purchaser who was not engaged in the business of purchasing milk during January 1943, and subsequently engages in such business without purchasing an existing business or establishment shall determine his maximum price to producers except new producers in accordance with the provisions of section 13 (b) or (c), whichever is applicable. Regional or District Offices of the Office of Price Administration will assist such purchaser in ascertaining the correct maximum price. If such a purchaser desires to purchase milk from a "new producer", his maxi-

mum price shall be a price determined by the Atlanta Regional Office upon application by him. His application shall set forth the information specified in subdivisions (*a*), (*b*) and *c*) of section 13 (b) (5) (i) of this Order.

(f) *Butterfat standards.* (1) Any purchaser whose maximum price to an individual producer has been established without reference to a butterfat test shall employ such maximum price to that producer as if it referred to 4 per cent milk, if and when a butterfat test is instituted. Any purchaser whose maximum price to an individual producer has been established on a butterfat base standard other than 4 per cent shall employ such maximum base price in purchasing milk testing 4 per cent. This maximum price may be increased 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content exceeds 4 per cent, and this maximum price must be reduced by 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content is lower than 4 per cent. Any purchaser who purchased milk from a producer without reference to a butterfat test during January 1943, and continues to do so, may pay such producer a maximum price which is the higher of the following: (1) the maximum price so established to such producer in January 1943; or (2) the appropriate price per cwt. or per gallon named in the table in section 17 or section 18.

(2) No purchaser may pay a maximum price for milk to a particular producer in terms of the pound of butterfat in such milk unless that purchaser, or another purchaser, purchased milk from that producer according to the pound of butterfat in January, 1943. *Provided,* That a purchaser who paid for milk according to the pound of butterfat in January, 1943, may apply to the Atlanta Regional Office for permission to pay a new producer according to the pound of butterfat in accordance with subparagraphs 13 (b) (5) or 13 (c) (4) above. *Provided, further,* That a purchaser who paid his producers according to the pound of butterfat in January, 1943, may adopt the corresponding price per cwt. or per gallon of milk at 4 per cent butterfat content, with the applicable butterfat differential, as specified in the table in section 17 or section 18.

PART III—LIST OF PRICE TABLES AND ATLANTA REGIONAL OFFICE ADJUSTMENT ORDERS IN EFFECT

SEC. 14. *Maximum prices for approved fluid whole milk and buttermilk in the State of Georgia*—(a) *Area 1.* Area 1 in the State of Georgia shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Banks, Catoosa, Clay, Columbia, Cook, Hancock, Marion, Pickens, Pike, Warren, Webster, White, and Wilkinson.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within area 1 in the State of Georgia, shall be the maximum price set forth in table 1.

TABLE 1

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	38	-----	-----
	1.1 to 5 gals. bulk	40	-----	-----
	Gallon	42	46	46
	Quart	11	13	13
	Pint	6	7	7
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	22	26	26
	Quart	6	8	8
	Pint	3½	5	5

(b) *Area 2.* Area 2 in the State of Georgia shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Atkinson, Bacon, Baker, Berrien, Cherokee (except town of Canton), Dade, Dawson, Dodge, Echols, Effingham, Franklin, Glascock, Harris, Hart, Irwin, Jasper, Jeff Davis, Johnson, Jones, Lanier, Lumpkin, McDuffie, Monroe, Montgomery, Murray, Oconee, Oglethorpe, Pulaski, Putnam, Rockdale, Schley, Stewart, Taliaferro, Tattnall, Taylor, Terrell, Treutlen, Union, and Washington.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 2 in the State of Georgia shall be the maximum price set forth in table 2.

TABLE 2

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	-----	-----
	1.1 to 5 gals. bulk	44	-----	-----
	Gallon	46	50	50
	Quart	12	14	14
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: plain, cultured or churned.	Gallon	26	30	30
	Quart	7	9	9
	Pint	4	5	5

(c) *Area 3.* Area 3 in the State of Georgia shall include the following counties, cities and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Baldwin, Bleckley, Calhoun, Chattahoochee, Clayton, Douglas, Emanuel, Fannin, Forsyth, Gilmer, Greene, Jefferson, Jenkins, Lee, Miller, Mitchell, Morgan, Newton, Randolph, Screven, Talbot, Towns, Turner, and Walker.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 3 in the State of Georgia, shall be the maximum price set forth in table 3.

TABLE 3

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	46	-----	-----
	1.1 to 5 gals. bulk	48	-----	-----
	Gallon	50	54	54
	Quart	13	15	15
	Pint	7	8	8
	½ quart	5½	7	7
	½ pint	3¾	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	34	34
	Quart	8	10	6
	Pint	5	6	10

(d) *Area 4.* Area 4 in the State of Georgia shall include the following counties, cities and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Appling, Barrow, Bartow, Ben Hill, Bibb, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Candler, Carroll, Charlton, Chattooga, Clarke, Clinch, Coffee, Coweta, Crawford, Crisp, Dooly, Early, Elbert, Evans, Fayette, Floyd, Gordon, Grady, Gwinnett, Habersham, Hall, Haralson, Heard, Henry, Houston, Jackson, Lamar, Laurens,[1] Lincoln, Long, Lowndes, Macon, Madison, Meriwether, Muscogee, Paulding, Peach, Pierce, Polk, Quitman, Rabun, Richmond, Seminole, Spalding, St. Stephens, Sumter, Telfair, Toombs, Thomas, Tift, Troup, Twiggs, Upson, Walton, Ware,[1] Wayne,[1] Wheeler, Whitfield, Wilcox, Wilkes, and Worth.

Cities or towns: Canton.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 4 in the State of Georgia, shall be the maximum price set forth in table 4.

TABLE 4

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	50	-----	-----
	1.1 to 5 gals. bulk	52	-----	-----
	Gallon	54	58	58
	Quart	14	16	16
	Pint	8	9	9
	½ quart	5½	7	7
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	34	34
	Quart	58	10	10
	Pint	5	6	6

Provided, The adjusted maximum wholesale or retail price of plain buttermilk, cultured or churned, sold or delivered in Laurens, Ware and Wayne counties in bulk or bottles, shall be the maximum price named in table 4 above or the maximum price established under the General Maximum Price Regulation or Maximum Price Regulation 280, whichever is higher.

(e) *Area 5.* Area 5 in the State of Georgia shall include the following counties, cities and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

[1] See proviso below table 4.

Counties: Camden, Cobb,[1] Colquitt, Decatur, DeKalb,[1] Dougherty, Fulton,[1] Liberty, and McIntosh.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within area 5 in the State of Georgia, shall be the maximum price set forth in table 5.

TABLE 5

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	54	----	----
	1.1 to 5 gals. bulk	56	----	----
	Gallon	58	62	62
	Quart	15	17	17
	Pint	8	9	9
	½ quart	6	7	7
	½ pint	4¼	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	32	38	38
	Quart	9	11	11
	Pint	5	6	6

Provided, The maximum price of fluid milk sold and delivered in Cobb, DeKalb, and Fulton counties in paper containers shall be one cent per container higher than the price set forth in table 5 above for the same quantity in a glass container of one quart or smaller content.

(f) *Area 5D.* Area 5D in the State of Georgia shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Glynn.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 5D in the State of Georgia shall be the maximum price set forth in table 5D.

TABLE 5D

Type	Container size or quantity	Inter-handler wholesale (cents)	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	----	54	----	----
	1.1 to 5 gals. bulk	----	56	----	----
	Gallon	----	58	62	62
	Quart	14	15	17	17
	Pint	7	8	9	9
	½ quart	5	6	7	7
	½ pint	3½	4½	5½	5½
Buttermilk: Plain, cultured or churned.	Gallon	----	36	42	42
	Quart	9	10	12	12
	Pint	5	6	7	7

Provided, The maximum price of milk sold and delivered in paper containers of one quart or smaller content shall be one cent higher than the price set forth in table 5D for a container of the same size.

Definition: "Inter-handler", as used above, means any person who sells fluid milk at wholesale in glass or paper containers of one quart or less to any person for resale as fluid milk, other than to stores, hotels, restaurants and institutions.

(g) *Area 6.* Area 6 in the State of Georgia shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Chatham.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 6 in the State of Georgia shall be the maximum price set forth in table 6.

TABLE 6

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	56	----	----
	1.1 to 5 gals. bulk	58	----	----
	Gallon	60	66	66
	Quart	16	18	18
	Pint	9	10	10
	½ quart	7	8	8
	½ pint	5	6	6
Buttermilk: Plain, cultured, or churned.	Gallon	36	42	42
	Quart	10	12	12
	Pint	6	7	7

SEC. 15. *List of Atlanta Regional Office adjustment orders under GMPR, SR 14A, SR 15, and MPR 280 which apply to sellers of fluid milk in the State of Georgia and which remain in effect.*

Regional Docket No. IV	Issue date	Effective date	Seller's name and address
18 (C)-104	4-23-43	4-28-43	Colonial Dairies, Albany, Ga.
SR 14-A124(B)-12	7-27-44	7-1-44	Cherokee Farms Dairy, Thomasville, Ga.
SR 14-A124(B)-13	7-3-44	7-3-44	The Milk Shed, Moultrie, Ga.
280-10	2-27-44	2-29-44	Eatonton Cooperative Creamery, Eatonton, Ga.
280-14	4-15-44	4-20-44	Order G-3. All interhandlers.
280-14	5-4-44	5-9-44	Amendment 1 to Order G-3. All interhandlers.
280-14	6-24-44	6-29-44	Amendment 2 to Order G-3. All interhandlers.
280-14	9-20-44	9-20-44	Amendment 3 to Order G-3. All interhandlers.

SEC. 16. *List of authorized processors of premium milk in the State of Georgia.*

Regional Docket No. IV-SR 14—P. M.—	Name and address of processor	Type of milk	Maximum quart prices		Date of authorization
			Wholesale	Retail	
15	Briarwood Farm, Atlanta	Jersey Creamline	$0.15	$0.18	12-29-43
	Georgia-Carolina Dairies, Augusta.	Certified	.15	.18	7-11-44
18	Happy Valley Farms, Rossville.	Jersey Creamline	.15	.17	3-20-43
20	Renable Farms, Berryton	Guernsey	.15	.17	7-30-43
13	Riegeldale Farms, Trion	Guernsey	.15	.17	5-3-43
21	Singletary Guernsey Farm, Thomasville.	Golden Guernsey	.15	.17	7-16-43

[1] See proviso below table 5.

SEC. 17. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in named counties in the State of Georgia.*

County	Maximum price of 4% milk, f. o. b. plant		Maximum price per lb., butterfat, f. o. b. plant
	Per cwt.	Per gal.	
Bartow	$4.05	$0.348	$0.955
Bibb	4.28	.368	
Brooks	4.65	.400	
Chatham	4.75	.408	
Clarke	4.05	.348	.955
Cobb	4.40	.378	
Colquitt	4.40	.378	
Floyd	4.05	.348	
Fulton	4.40	.378	
Glynn	4.40	.378	
Gordon	4.05	.348	
Lowndes	4.65	.400	
McDuffie	4.05	.348	
McIntosh	4.40	.378	
Muscogee	4.36	.375	
Polk	4.05	.348	
Putnam	4.12	.354	.970
Richmond	4.25	.366	
Stephens	4.05	.348	
Thomas	4.07	.350	
Troup	4.25	.366	
Walker	4.05	.348	.955
Ware	4.07	.350	
Wayne	4.28	.368	
Whitfield	4.05	.348	

SEC. 18. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in counties not named in section 17 in the State of Georgia.*

Retail home delivered maximum price in quart glass containers	Maximum price per cwt. 4% milk f. o. b. plant	Maximum price per gallon 4% milk f. o. b. plant	Maximum price per pound butterfat f. o. b. plant
$0.18	$4.75	$0.408	$1.11
.17	4.40	.378	1.03
.16	4.05	.348	.955
.15	3.70	.318	.88
.14	3.35	.288	.80
.13	3.15	.271	.755

SEC. 19. *List of Atlanta Regional Office adjustment orders under MPR 329 which apply to purchasers of "milk" in Georgia and which remain in effect.* No other Atlanta Regional Office adjustment orders remain in effect which are applicable to purchasers of "milk" whose bottling plants are located in Georgia.

This order may be revoked, amended or corrected at any time.

This order shall become effective April 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved for producer prices only.

L. T. WELLS,
In Charge Southern Field Office, Dairy and Poultry Branch, Office of Market Services, War Food Administration.

[F. R. Doc. 45-6620; Filed, Apr. 24, 1945; 4:38 p. m.]

[Region IV Order G-21 Under SR 15, MPR 280, and MPR 329]

FLUID MILK IN TENNESSEE

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, of the Office of Price Administration by § 1499.75 (a) (9) (ii) (c) of the General Maximum Price Regulation, § 1351.807 (b) (3) of Maximum Price Regulation 280, and § 1351.408 (g) of Maximum Price Regulation 329, it is hereby ordered:

PART I—ADJUSTMENT OF WHOLESALE AND RETAIL FLUID MILK PRICES IN THE STATE OF TENNESSEE

SECTION 1. *Explanation of this part.* (a) The adjustment effected by this order establishes maximum prices in dollars and cents for fluid milk and buttermilk for each county (or community, if so designated) in the State of Tennessee. It contains special pricing provisions for one-price distributors with a previous price history of selling at a uniform price in counties for which varying prices are fixed by this order. Sellers of premium milk are provided with a formula and method of establishing a maximum price. Adjustments or other orders issued under the General Maximum Price Regulation, Supplementary Regulation 15, and Maximum Price Regulation 280 which are in effect at the date of issuance of this order are superseded by the provisions of this adjustment, unless a particular order is expressly preserved and named in section 15, and except where a maximum price for a particular sale established in such order is not provided by this order.

(b) This order supersedes all the provisions of the General Maximum Price Regulation, Supplementary Regulation 14A, and Maximum Price Regulation 280 which are inconsistent herewith.

SEC. 2. *Exempt sales.* This order shall not apply to the following:

(a) Sales or deliveries by handlers of bulk fluid milk, which remain subject to Order G-3 under Maximum Price Regulation 280.

(b) Sales or deliveries of chocolate milk, chocolate drink, or other flavored milks, which remain subject to the General Maximum Price Regulation.

(c) Sales or deliveries of condensed or evaporated milk, which remain subject to Maximum Price Regulation 280, 289, 421, 422, or 423, whichever is applicable.

(d) Sales at retail by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment or fluid whole milk or buttermilk for consumption on the premises, or as part of a meal for consumption on the premises or as part of a meal for consumption off the premises. Maximum prices for such sales are established under a Restaurant Maximum Price Regulation.

(e) Sales or deliveries by a producer, if his sales of all commodities produced or processed on his farm totaled $75.00 or less in the preceding calendar month.

sales and deliveries made by a farmers' cooperative either as agent or otherwise.

(f) Such sales to the United States or its agencies or to certain foreign governments or their agencies as are exempted under section 4.3 (f) of Revised Supplementary Regulation 1 of the General Maximum Price Regulation as amended.

SEC. 3. *Definitions for the purposes of part 1 of this order.* (a) "Fluid Milk" means cow's milk, raw or processed, which is sold for human consumption in fluid form. It does not include condensed or evaporated milk.

(b) "Raw" means unpasteurized.

(c) "Processed" means subjected to an operation including but not limited to cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, separation, culturing, homogenization, or vitamin fortification.

(d) "Bottled" or "in bottles" means contained in glass or paper containers of one quart or less.

(e) "Bulk" means contained in any type of container, whether supplied by the buyer or the seller, holding more than one quart.

(f) "Approved fluid milk" means fluid milk which at least satisfies the minimum butterfat content and sanitary and health standards established by the appropriate governmental authority in the area where delivered and in addition, for purchases by the armed forces, the standards established by the Army and Navy. Fluid milk is "approved" in the absence of specific disqualification by the appropriate authority.

(g) "Special fluid whole milk" means approved fluid milk which in addition (1) complies with quality or production standards established by governmental authorities or non-governmental medical, farm, or trade bodies, or (2) contains high butterfat content, or (3) is processed in addition to or other than by cooling, weighing, testing, pasteurization, reconstitution, bottling, standardization, or separation. For example, it includes "Certified", "Golden Guernsey", "Jersey Creamline," high fat content, homogenized and Vitamin D milks.

(h) "Standard fluid milk" or "regular fluid milk" means approved fluid milk other than special fluid milk as defined above.

(i) "Premium fluid milk" means special fluid whole milk (or special buttermilk) (1) which was sold at a premium differential above standard or regular fluid milk (or plain buttermilk) in the particular market during March, 1942, or (2) for which a price differential above standard or regular fluid milk has been established in accordance with the provisions of this order.

(j) "Plain buttermilk" means buttermilk from which all or a portion of the butterfat has been removed by churning, skimming, or the application of centrifugal force and which has been inoculated with lactic acid forming bacteria or in which such bacteria have been incubated This order shall apply, however, to such through processes, with the result that the product contains lactic acid in excess of ½ percent.

(k) "Special buttermilk" means buttermilk which has been subjected to additional processing or contains 1 per cent butterfat or more.

(l) "Home delivered" means a sale and delivery of fluid milk at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes.

(m) "Out-of-store" means a sale of fluid milk at retail by a grocery store, dairy store, or any other establishment selling milk, whether or not the milk is delivered. For example, it includes a sale of fluid milk at retail by a milk distributor at his plant or place of business, by an eating or drinking establishment of fluid milk as a separate item for consumption off the premises and not as part of a meal, and by a drug store, unless exempted under section 2 (d) above.

(n) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(o) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) any institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of the foregoing.

(p) "Sale to the Army and Navy" means a sale to the War Department or to the Department of the Navy of the United States. It shall include any sale to Army and Navy sales stores, commissaries, ships' stores, officers' messes, and stores operated as army canteens or post exchanges.

(q) "One-price distributor" means a person who operated at a uniform price prior to April 28, 1942, regardless of the prevailing price in any given territory served by him.

(r) "County" means a geographical area including but not limited to all towns, villages, cities, and other municipalities located within the geographical limits of the area designated as such by name in section 14. All exceptions are stated specifically.

(s) Unless the context otherwise requires, the definitions set forth in Section 302 (c) of the Emergency Price Control Act of 1942 as amended in § 1499.20 of the General Maximum Price Regulation, and in § 1351.816 (a) of Maximum Price Regulation 280 shall apply to the terms used herein.

SEC. 4. *General provisions applicable to Part I*—(a) *Customary discounts, allowances and practices.* (1) A seller shall maintain his customary discount, allowance, or other price differential to a purchaser or class of purchasers. A change therein is not prohibited, which results in a lower price.

(2) No person shall charge a larger proportion of transportation costs incurred in the delivery of fluid milk than he charged to a purchaser or class of purchasers during March, 1942, in the case of bottled milk, and September 28–October 2, 1942, for bulk milk.

(b) *Posting of retail maximum prices.* Each seller of fluid whole milk in quarts at retail shall clearly mark the maximum price per quart on the bottle or container in which the milk is sold, or post the maximum price per quart conspicuously at or near the place where the milk is offered for sale. This posting requirement shall not apply to any seller whose only sales at retail are to his own employees. In the case of home delivery, the posting requirement shall be satisfied by posting the maximum price per quart of standard fluid whole milk conspicuously on one side of the delivery vehicle or printing it on the monthly statement or cash sales ticket as follows: "Ceiling Price __¢ per Quart" or "Our Ceiling Price __¢ per Quart."

(c) *Sales at retail of fluid milk in container sizes of less than one quart.* The maximum prices established in this order for retail sales of fluid milk in container sizes of less than one quart are applicable only in those areas or places where sales at retail in such container sizes are not prohibited by any order or orders issued by the War Food Administration.

(d) *Calculations.* On single sales at retail wherein the adjusted maximum price results in a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more and shall decrease the price to the next lower cent if the fraction is less than ½¢. On sales of more than one unit where the unit price is expressed in a fraction of a cent, the exact price established by the applicable subdivision shall be multiplied by the number of units. If the computation results in a fraction of a cent, the total shall be adjusted up or down to the nearest full cent. Home deliveries of two or more containers on the same delivery shall be considered multiple unit sales.

SEC. 5. *Maximum dollars and cents prices.* The maximum prices set forth in section 14 are applicable to any sale or delivery of approved fluid milk within the named county except as modified hereinafter in specific sections. The maximum price of fluid milk specifically disqualified by a health authority shall be determined under § 1499.2 of the General Maximum Price Regulation: *Provided,* That in no event shall such maximum price exceed the maximum price of approved fluid milk set forth in section 14 for the particular county (or community) where the disqualified milk is sold and delivered.

SEC. 6. *Maximum prices for one-price distributors and retail sellers who purchase from such distributors.* (a) A one-price distributor whose price for a given size or container was uniform in all markets served prior to April 28, 1942, pursuant to a policy of uniform pricing and regardless of the prices secured by other sellers in the various communities served by him, may continue to sell that size or container at a uniform price in those particular markets if he applies for and is granted a written order under the provisions of paragraph (b) of this section.

(b) Any person desiring to continue selling at a uniform maximum price in communities for which this order provides different maximum prices must make application in writing within sixty days after the effective date hereof to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, for written permission to continue such sales. The application shall be in duplicate and shall contain the following information:

(1) The name and address of the applicant and the exact locations of all his processing plants involved in the application.

(2) The length of time he has been engaged in distributing milk at a uniform price in all markets served.

(3) The names of all communities served prior to April 28, 1942.

(4) The highest uniform price charged for each size and container during March 1942.

(5) The names of all communities served during the year ending September 1, 1944, and the selling prices in each such community.

(6) The volume (in terms of quarts) sold and delivered in each community during September 1944.

(7) The names and addresses of retailers who purchase at wholesale.

The Atlanta Regional Office of the Office of Price Administration may by written order grant permission to the applicant to function as a one-price distributor selling at a uniform price in particular markets served.

(c) Retail sellers who purchase milk from such a one-price distributor may take a markup not exceeding two cents per quart and one cent per smaller container over the wholesale price established in the pricing order issued under the authority of this section.

(d) No one-price distributor or retailer purchasing from a distributor, shall sell milk at a price in excess of the maximum price established in section 14, until a uniform pricing order has been issued by the Atlanta Regional Office authorizing a named one-price distributor to charge other maximum prices. This section 6 (d) becomes effective June 15, 1945.

SEC. 7. *Maximum prices of premium milk.* (a) The sellers named in section 16 are authorized to sell premium milk of the types there specified at the maximum prices set forth opposite their respective names. These maximum prices have been established by filings under Supplementary Regulation 14A or by orders issued by the Atlanta Regional Office under Supplementary Regulation 14A to the General Maximum Price Regulation.

(b) Any seller not named in the table in section 16 who desires to sell a "special" fluid whole milk or buttermilk at a "premium" price must apply in writing to the Atlanta Regional Office, Candler Building, Atlanta, Georgia, within sixty days after the effective date of this Order for permission to sell such special milk at a premium price. The application shall be in duplicate and shall contain the following information:

(1) The total quantity, expressed in quarts, of milk (or buttermilk) sold during the month of June, 1943.

(2) The quantity of each type of special fluid whole milk (or special buttermilk) sold at a premium price during the month of June, 1943.

(3) The established differential for each size and container between the selling price

of each type of special fluid whole milk (or special buttermilk) and the selling price of standard approved milk (or buttermilk) during March, 1942 in the particular market.

(c) The Atlanta Regional Office may issue orders authorizing distributors to sell a monthly maximum quantity of premium whole milk or buttermilk at a premium price representing such quantity at the established differential, not to exceed the quantity of each type of special milk sold in June, 1943. Except, this monthly quantity limitation shall not apply to producer-distributors or to retail stores which purchase at wholesale from a distributor or producer-distributor, or to sellers who were not selling special milk in June, 1943.

The Atlanta Regional Office shall give consideration to the differentials customarily established by the applicant between his prices on standard approved fluid whole milk or standard buttermilk and "special" fluid whole milk or "special" buttermilk. In the event the applicant is unable to show such an established differential in March, 1942, the Atlanta Regional Office shall give consideration to the price differential or differentials normal to the trade and prevailing during March, 1942, in the particular market or markets served by the applicant. Unless the applicant is able to show that he had an established price differential during March, 1942, or that there was an established differential on the part of other sellers in the particular market or markets during that month, the Atlanta Regional Office shall not grant him permission to sell a special whole milk or buttermilk at a premium price.

(d) A retail store which purchases special milk at wholesale from a distributor or producer-distributor who has been granted permission by a written order to charge a premium wholesale price on such special milk may add a markup not exceeding two cents per quart or one cent per smaller container to the maximum wholesale price as established in the written order to the distributor or producer-distributor.

(e) The Atlanta Regional Office may correct or revise any maximum prices established for any type of special milk with regard to the differentials prevailing in adjoining areas.

(f) If any seller who is authorized to sell special fluid milk or special buttermilk at a premium price according to the terms of this section may apply to the Atlanta Regional Office for permission to increase the maximum monthly quantity of such premium fluid milk which he is permitted to sell according to the terms of this section or of a written order issued by the Atlanta Regional Office under the provisions of this section. In filing such an application the seller must furnish figures showing the monthly quantity, expressed in quarts, of his sales of standard fluid milk (or plain buttermilk), the present and requested maximum monthly quantity of premium milk (or buttermilk); and in addition, he shall demonstrate that the failure to grant his application will result in hardship.

SEC. 8. *Maximum prices for sales of fluid whole milk or buttermilk to the Army and Navy.* The maximum price for the sale of fluid whole milk or buttermilk to the Army and Navy shall be the seller's lowest maximum price established at the plant from which delivery is made, for fluid whole milk or buttermilk sold at wholesale to any class of purchaser or purchasers (exclusive of sales to the Army or Navy) in the particular size and type of container, plus (1) ½¢ per quart or a proportionate amount for a part of a quart, or (2) at the election of the seller, the actual transportation costs from the seller's plant, branch loading station, or depot to the point of delivery, not to exceed the lowest common carrier rates: *Provided,* That neither the ½¢ per quart nor any transportation charge may be added by the seller if the Army or Navy accepts delivery f. o. b. the seller's plant, branch loading station or depot: *And provided, further,* That no seller shall add the actual transportation costs from the seller's plant, branch loading station, or depot, to the point of delivery unless he shall within ten days after entering into a contract with the Army and Navy, or after the making of the first delivery to an Army or Navy destination where no contract has been entered into, file with the Atlanta Regional Office, Candler Building, Atlanta, Georgia, a statement setting forth: The price per container established with transportation charges added, together with the method of computation of the price and the transportation charges; the location of seller's plant; the place of delivery of such milk, and the round-trip distance involved. This report shall be made on blanks furnished by the Atlanta Regional Office if that office so requests.

PART II—MODIFICATION OF MAXIMUM PRICES FOR PURCHASES FROM PRODUCERS FOR RESALE AS FLUID MILK

SEC. 9. *Explanation of this part.* (a) Part II of this adjustment order establishes maximum prices which purchasers in the State of Tennessee may pay producers for bulk fluid milk delivered to a bottling plant in such State for resale as fluid milk. For the great majority of such purchases this order establishes maximum f. o. b. plant prices in dollars and cents per cwt., per gallon, or per pound of butterfat, according to the county in which a given purchaser's bottling plant is located which are alternative to the maximum prices established by the purchaser to a particular producer in January, 1943. A pricing method is provided for all other purchases by which the purchaser may choose between the highest price paid in January, 1943, to a particular producer and a tabular maximum price which depends upon the retail price per quart, established before August 31, 1944, for the market where the milk is resold. This adjustment establishes the maximum price which a given purchaser may pay to a particular producer situated in the following circumstances: (1) an individual producer from whom that purchaser bought milk in January, 1943; (2) an individual producer who sold his milk to another purchaser (or purchasers) in January, 1943; and (3) an individual producer who did not sell bulk fluid milk for resale for human consumption in January, 1943.

(b) The adjustment effected by this Part II supersedes all adjustment or other orders issued under Maximum Price Regulation 329, including orders issued by the Atlanta Regional Office which are in effect at the date of the issuance of this order unless specifically set out in section 19, except where a maximum price for a particular purchase fixed in such order is not provided by this adjustment order. Specifically, this order supersedes Order G–4 and the provisions of Maximum Price Regulation 329 as amended insofar as they are inconsistent with the terms of this order.

SEC. 10. *Exempt sales.* This Part II shall not apply to the following:

(a) Purchases of milk from producers at a price lower than $2.75 per cwt. f. o. b. receiving station or processing plant for milk of 4 per cent butterfat content, or its equivalent price in other terms;

(b) Purchases of manufacturing milk from producers.

(c) Purchases of milk from producers at retail by ultimate consumers.

(d) Purchases of bottled milk at wholesale from producers.

(e) Purchases of bulk milk at wholesale from producers by stores, hotels, restaurants, institutions, and the Army and Navy;

(f) Purchases from farmers or farmers' cooperatives of milk with respect to which they are not producers as defined in this order;

(g) Purchases from a producer when the milk is delivered to a receiving station or processing plant operated under or directly subject to any order, agreement or license issued pursuant to the Agricultural Marketing Agreement Act of 1937 as amended. The maximum prices for such purchases are established by Maximum Price Regulation 329.

SEC. 11. *Definitions for the purposes of Part II of this order.* (a) "Milk" means liquid cow's milk in a raw, unprocessed state which is purchased in bulk for resale for human consumption as fluid milk. It shall also include all milk classed as Class I or fluid milk in a particular market, regardless of its use.

(b) "Manufacturing milk" means liquid cow's milk in a raw unprocessed state which is purchased for use in (1) commercial or industrial products, and (2) manufactured dairy and food products such as butter, cheese, evaporated or condensed milk, powdered milk, casein, ice cream, and bakery products, except milk classed as Class I or fluid milk in a particular market, regardless of its use.

(c) "In a raw and unprocessed state" means unpasteurized.

(d) "Grade" refers to the butterfat content and the quality and sanitary standards established by public health authorities.

(e) "Bottled" or "in bottles" means contained in glass or paper containers.

(f) "Bulk" or "in bulk" means contained in other than in glass or paper containers.

(g) "Producer" means a farmer or other person or representative who owns, superintends, manages or otherwise controls the operation of a farm or other place on which milk is produced and who sold milk during January, 1943, or has sold or delivered milk to a purchaser for whom a maximum price has been established by a regional adjustment order set forth in section 19 below, or determined pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order. A farmers' cooperative is a producer with respect to all its sales of milk except milk processed by it or for it in a milk receiving or processing plant owned, leased or contracted for by the cooperative.

NOTE: This order does not prohibit the payment of patronage dividends by a farmers' cooperative in accordance with the provisions of Supplementary Order 84 issued by the Office of Price Administration.

(h) "New producer" means a producer who did not sell bulk milk in a raw and unprocessed state for resale for human consumption as fluid milk during January, 1943, and who has not sold or delivered milk to a purchaser for whom a maximum price has been established payable to him under a regional adjustment order set forth in section 19 below or determined pursuant to an application filed under section 13 (b) (5) or section 13 (c) (4). The following persons who qualify under the preceding definition are, among others, to be considered new producers: (1) A producer who has acquired new production facilities since January 31, 1943; (2) a farmers' cooperative organized since January 31, 1943, which qualifies as a producer in accordance with the provisions of section 11 (g) of this order; (3) a producer who sold manufacturing milk only, during January, 1943, but who has since begun to sell bulk milk to a purchaser for resale in fluid form; and (4) a producer who processed and distributed his entire output at wholesale and/or retail during the month of January, 1943, but who has since begun to sell bulk fluid milk to a purchaser for resale in fluid form.

(i) "Applicable butterfat differential" means plus or minus 5¢ per cwt. ($4\frac{3}{100}$¢ per gallon) for each $\frac{1}{10}$ of 1 percent by which the butterfat content varies above or below 4 percent, whichever the case may be.

(j) "Sale at retail" means a sale to an ultimate consumer. It shall not include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing, or any agency of any of the foregoing.

(k) "Sale at wholesale" means a sale to any person other than an ultimate consumer. It shall also include a sale to (1) an industrial or commercial user; (2) an institution; and (3) the United States or any other government or any political subdivision of the foregoing or any agency of any of the foregoing.

(l) Unless the context otherwise requires, the definitions set forth in section 302 (c) of the Emergency Price Control Act of 1942 as amended and in § 1351.404 of Maximum Price Regulation 329 as amended shall apply to the terms used in this order.

(m) "F. o. b. plant" means delivered to the plant where the milk is bottled. If delivery is made to a receiving station or cooling station, the purchaser shall deduct the actual transportation cost from such receiving station or cooling station to the bottling plant.

SEC. 12. *General provisions applicable to Part II*—(a) *Customary discounts, allowances and practices.* (1) A purchaser shall maintain his customary discount, allowance, or other price differential applicable to any purchase or class of purchases. A change therein is not prohibited, which results in a lower price.

(2) No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943, from the particular producer.

(3) Any purchaser who wishes to change the basis (weight, volume or butterfat test) on which he purchases milk from a producer may do so in accordance with the provisions of section 13 (f) of this order.

(b) *Transfer of business or stock in trade*—(1) *Purchasers.* If the business, stock in trade ,or assets of any purchaser subject to this regulation are sold or otherwise transferred on or after February 13, 1943, the maximum prices for purchases of milk by a transferee shall be the same as those to which his transferor would have been subject if no transfer had occurred. In the event that the transferee has purchased milk from other producers prior to the transfer, this paragraph shall be applicable only to maximum prices payable to the producers who were selling milk to the transferor prior to such transfer. Such purchaser shall have the same obligation to keep records to verify such prices as applied to the transferor. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to transfer which are necessary to enable the latter to maintain records required by Maximum Price Regulation 329.

(2) *Producers.* If the business, stock in trade, or assets of any producer are sold or otherwise transferred on or after February 13, 1943, to a person who has not prior thereto sold or delivered milk for resale as fluid milk, the maximum prices which a purchaser may pay the transferee shall be the same as the maximum prices which the purchaser could have paid the transferor if no transfer had taken place. Such transferee shall be considered a "producer" for the purposes of this order.

(c) Unless the context otherwise requires, all the provisions of Maximum Price Regulation 329 as amended shall apply to all persons covered by this order.

SEC. 13. Maximum prices. (a) The following provisions in conjunction with the tables set forth in sections 17 and 18 establish maximum prices for all purchasers covered by this Part II.

(b) *Pricing method applicable to every purchaser whose bottling plant is located in a county named in section 17.* (1) The maximum price which a purchaser may pay to any producer from whom he purchased milk in January, 1943, or to any producer from whom he has purchased milk prior to the effective date of this order in accordance with the provisions of a regional adjustment order listed in section 19 below, is the maximum price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and to other terms specified in the table, or the highest price paid to that producer during January, 1943, or the maximum price named for that purchaser as payable to the particular producer under the provisions of such regional adjustment order, whichever is higher.

(2) The maximum price which a purchaser may pay for milk to a particular producer who sold his "milk" to another purchaser (or purchasers) during January, 1943, shall be the highest price for milk of the same grade and butterfat content which any such other purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser may pay for milk to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) specified in the table in section 17 opposite the name of the county where the purchaser's bottling plant is located, subject to the applicable butterfat differential and other terms specified in such table.

(4) The maximum price which a purchaser may pay for milk to a particular producer to whom a maximum price payable by any other purchaser has been established in a regional adjustment order listed in section 19 below or issued hereafter under the provisions of section 13 (b) (5) or section 13 (c) (4) shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order or under the provisions of such regional adjustment order, whichever is higher.

(5) The maximum price which a purchaser may pay for "milk" to a new producer who did not sell "milk" to any purchaser in September, 1944, shall be determined as follows:

(i) The purchaser must file an application with the Atlanta Regional Office for the determination of a maximum price payable to the new producer. This application must be filed in duplicate with the Atlanta Regional Office, Candler Building, Atlanta 3, Georgia, and shall include the following information:

(*a*) The name and address of the purchaser and the new producer (or producers).

(*b*) A statement from the appropriate health department, setting forth the following facts:

(*1*) That the new producer (or producers) has qualified for the production of milk for human consumption;

(2) The prevailing price paid to producers in the production area in which the new producer (or producers) is located.

(c) If the new producer distributed bottled milk in January, 1943, a statement showing the approximate volume of such bottled milk at the time of application, together with the localities of sale and the selling price or prices.

(c) *Pricing method for purchasers with bottling plants not located in counties named in section 17.* (1) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a producer from whom he purchased milk during January 1943, or subsequently purchased during a month named in a regional adjustment order issued to such purchaser and listed in section 19 below, shall be the higher of the following:

(i) The highest price paid by such purchaser to that particular producer during the month of January 1943, or pursuant to the provisions of a regional adjustment order mentioned in the preceding paragraph; *Provided,* That a purchaser who buys on a butterfat basis may pay a maximum price for milk of a butterfat content of 4 per cent, subject to the applicable butterfat differential, equivalent to the highest base price received by that producer during January 1943, regardless of the base butterfat percentage then employed. *Provided, further,* That such a purchaser may pay a maximum price to that producer for milk of a butterfat content of 4 per cent, subject to the applicable butterfat differential, equivalent to the highest flat price received by that producer in January 1943, if the milk was purchased at that time without regard to butterfat test.

(ii) The highest price permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located.

(*a*) If the purchaser has himself established no home-delivered price for approved fluid milk in quart glass containers prior to August 31, 1944, but his bottling plant which receives delivery of particular milk is located in a county (or in a municipality if the prices in such municipality differ from those in the county in which such municipality is included) where the quart glass container price established by and common to the numerical majority of the purchasers (who have established such prices prior to August 31, 1944) is a price specifically set out in the table in section 18. Such purchaser may pay the maximum price set forth opposite such specifically stated quart glass container price, treating the milk purchased as if it tested 4 per cent butterfat.

(2) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant, to a producer who sold his milk to another purchaser (or purchasers) during January, 1943 or September, 1944, to a purchaser named in a regional adjustment order listed in section 19 below or in an order issued pursuant to the provisions of section 13 (b) (5) or section 13 (c) (4) of this order, shall be the highest price for milk of the same grade and butterfat content which any such purchaser (or purchasers) is now permitted to pay that particular producer under the provisions of this order.

(3) The maximum price which a purchaser whose bottling plant is located in a county not named in section 17 may pay for milk delivered to his plant to a new producer from whom he purchased milk in September, 1944, but who did not sell milk to any purchaser in January, 1943, shall be the highest price per cwt. or gallon of milk of 4 per cent butterfat content (or per pound of butterfat) permitted under the table set forth in section 18 opposite the retail home-delivered price established prior to August 31, 1944, for approved fluid milk sold in quart glass containers in the market where the purchaser's plant is located, subject to the provisions of section 13 (c) (1) (ii) (*a*) of this order.

(4) The maximum price which a purchaser may pay for milk to a new producer who did not sell milk to any purchaser in September, 1944, shall be a price determined by the Atlanta Regional Office on application by the purchaser. Such purchaser shall supply the information set forth in section 13 (b) (5) of this order.

(b) *Pricing method for a purchaser who bought part of a producer's milk in January, 1943.* If two or more purchasers purchased milk from a particular producer in January, 1943, at different prices, each such purchaser may pay to that particular producer a maximum price no higher than the maximum price any purchaser is permitted to pay that producer under the terms of this order.

(e) *New purchasers.* A new purchaser who was not engaged in the business of purchasing milk during January 1943, and subsequently engages in such business without purchasing an existing business or establishment shall determine his maximum price to producers except new producers in accordance with the provisions of section 13 (b) or (c), whichever is applicable. Regional or district offices of the Office of Price Administration will assist such purchaser in ascertaining the correct maximum price. If such a purchaser desires to purchase milk from a "new producer", his maximum price shall be a price determined by the Atlanta Regional Office upon application by him. His application shall set forth the information specified in subdivisions (*a*), (*b*) and (*c*) of section 13 (b) (5) (i) of this order.

(f) *Butterfat standards.* (1) Any purchaser whose maximum price to an individual producer has been established without reference to a butterfat test shall employ such maximum price to that producer as if it referred to 4 per cent milk, if and when a butterfat test is instituted. Any purchaser whose maximum price to an individual producer has been established on a butterfat base standard other than 4 per cent shall employ such maximum base price in purchasing milk testing 4 per cent. This maximum price may be increased 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content exceeds 4 per cent, and this maximum price must be reduced by 5¢ per cwt. for each 1/10 of 1 per cent by which the butterfat content is lower than 4 per cent. Any purchaser who purchased milk from a producer without reference to a butterfat test during January, 1943, and continues to do so, may pay such producer a maximum price which is the higher of the following: (1) the maximum price so established to such producer in January, 1943; or (2) the appropriate price per cwt. or per gallon named in the table in section 17 or section 18.

(2) No purchaser may pay a maximum price for milk to a particular producer in terms of the pound of butterfat in such milk unless that purchaser, or another purchaser, purchased milk from that producer according to the pound of butterfat in January, 1943. *Provided,* That a purchaser who paid for milk according to the pound of butterfat in January, 1943, may apply to the Atlanta Regional Office for permission to pay a new producer according to the pound of butterfat in accordance with subparagraphs 13 (b) (5) or 13 (c) (4) above. *Provided, further,* That a purchaser who paid his producers according to the pound of butterfat in January, 1943, may adopt the corresponding price per cwt. or per gallon of milk at 4 per cent butterfat content, with the applicable butterfat differential, as specified in the table in section 17 or section 18.

PART III—LIST OF PRICE TABLES AND ATLANTA REGIONAL OFFICE ADJUSTMENT ORDERS IN EFFECT

SEC. 14. *Maximum prices for approved fluid whole milk and buttermilk in the State of Tennessee*—(a) *Area 1.* Area 1 in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Cannon, Cheatham, Clay, DeKalb, Fentress, Hancock, Hawkins, Hickman, Jackson, Johnson, Lake, Lawrence, Lewis, Macon, Meigs, Moore, Morgan, Overton, Perry, Pickett, Trousdale, Union, and Van Buren.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 1 in the State of Tennessee shall be the maximum price set forth in Table 1.

TABLE 1

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	38	----	----
	1.1 to 5 gals. bulk	40	----	----
	Gallon	42	46	46
	Quart	11	13	13
	Pint	6	7	7
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	22	26	26
	Quart	6	8	8
	Pint	3½	5	5

(b) *Area 1A.* Area 1A in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Shelby.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 1A in the State of Tennessee shall be the maximum price set forth in table 1A.

TABLE 1A

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	41	----	----
	1.1 to 5 gals. bulk	43	----	----
	Gallon	45	46	46
	Quart	11½	13	13½
	Pint	7	8	8
	½ quart	5½	7	7
	½ pint	4	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	26	30	30
	Quart	7½	9	9
	Pint	4	5	5

(c) *Area 1B.* Area 1B in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Fayette, Putnam, and Wayne.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 1B in the State of Tennessee shall be the maximum price set forth in table 1B.

TABLE 1B

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	44	----	----
	1.1 to 5 gals. bulk	46	----	----
	Gallon	47	50	50
	Quart	12	14	13
	Pint	7	8	8
	½ quart	5	6	6
	½ Pint	3½	5	5
Buttermilk: Plain cultured, or churned.	Gallon	22	26	26
	Quart	6	8	8
	Pint	3½	5	5

(d) *Area 2.* Area 2 in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Bedford, Benton, Bledsoe, Bradley, Campbell (except town of Jellico), Carroll, Chester, Claiborne, Cocke, Crockett, Cumberland, Decatur, Dickson, Dyer, Gibson, Grainger, Giles, Greene, Grundy, Hamblen, Hardeman, Hardin, Haywood, Henderson, Henry, Houston, Humphreys, Jefferson, Lauderdale, Loudon, McNairy, Madison, Marshall, Maury, Monroe, Montgomery, Obion, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Stewart, Sumner, Tipton, Warren, Weakley, White, Williamson, and Wilson.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 2 in the State of Tennessee shall be the maximum price set forth in table 2.

TABLE 2

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	----	----
	1.1 to 5 gals. bulk	44	----	----
	Gallon	46	50	50
	Quart	12	14	14
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	26	30	30
	Quart	7	9	5
	Pint	4	5	9

(e) *Area 2B.* Area 2B in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

County: Davidson.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 2B in the State of Tennessee shall be the maximum price set forth in table 2B.

TABLE 2B

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	42	----	----
	1.1 to 5 gals. bulk	44	----	----
	Gallon	46	50	50
	Quart	12	14	14
	Pint	7	8	8
	½ quart	5	6	6
	½ pint	3½	5	5
Buttermilk: Plain, cultured, or churned.	Gallon	28	32	32
	Quart	8	9	9
	Pint	4	5	5

(f) *Area 3.* Area 3 in the State of Tennessee shall include the following counties, cities, and towns. Each county includes every city or town located within its geographical boundaries unless such city or town is specifically excluded.

Counties: Anderson, Blount, Carter, Coffee, Franklin, Hamilton, Knox, Lincoln, McMinn, Marion, Polk, Sullivan, Unicoi, and Washington.

City or town: Jellico.

The maximum price for approved fluid milk sold and delivered by any person at wholesale or retail in any type of container within Area 3 in the State of Tennessee shall be the maximum price set forth in table 3.

TABLE 3

Type	Container size or quantity	Wholesale (cents)	Retail out-of-store (cents)	Retail home-delivered (cents)
Whole milk	Over 5 gals. bulk	46	----	----
	1.1 to 5 gals. bulk	48	----	----
	Gallon	50	54	54
	Quart	13	15	15
	Pint	7	8	8
	½ quart	5½	7	7
	½ pint	3¾	5	5
Buttermilk: plain, cultured or churned.	Gallon	26	30	30
	Quart	7	9	9
	Pint	4	5	5

SEC. 15. *List of Atlanta Regional Office adjustment orders under GMPR, SR 14A, SR 15, and MPR 280 which apply to sellers of fluid milk in the State of Tennessee and which remain in effect.*

Regional Docket No. IV	Issue date	Effective date	Seller's name and address
18(c)-106	5- 6-43	4- 1-43	Columbia Dairy Products Co., Tullahoma.
SR14-A124(B)-10	4-27-44	4-27-44	Tuell Dairy Co., Columbia.
280-14	4-15-44	4-20-44	Order G-3. All Interhandlers.
280-14	5- 4-44	5- 9-44	Amendment 1 to Order G-3. All interhandlers.
280-14	6-24-44	6-29-44	Amendment 2 to Order G-3. All interhandlers.
280-14	9-20-44	9-20-44	Amendment 3 to Order G-3. All interhandlers.
SR14A-73(A)(1)-6	12-20-44	12-25-44	Order G-1. All Knoxville retailers of Sterchi Dairy Farm or homogenized vitamin D milk.

SEC. 16. *List of authorized processors of premium milk in the State of Tennessee.*

Regional Docket No. IV	Name and address of processor	Type of milk	Maximum quart prices		Date of authorization
			Wholesale	Retail	
SR14A-P. M.-16	Avondale Farms, Knoxville	Homo.-Vit. D	$0.14	$0.16	4- 7-43
SR14A-P. M.-14	Knox Dairy Farm, Chattanooga.	Knox Dairy Farm	.14	.17	7-30-43
	Highland Dairy, Nashville	Special-Sweet	.13	.15	4- 7-43
	Southern Dairies, Knoxville	Homo.-Vit. D	.14	.16	3-26-43
SR14A-P. M.-7	Sterchi Dairy Farm, Knoxville	Sterchi Dairy Farm	.14	.16	5- 3-43

SEC. 17. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in named counties in the State of Tennessee.*

County	Maximum price of 4% milk, F. O. B. plant		Maximum price per lb. butterfat, F. O. B. plant
	Per cwt.	Per gal.	
Bedford	$3.35	$0.288	$0.80
Bradley	3.48	.299	.83
Coffee	3.70	.318	.88
Davidson	3.55	.305	
Dickson	3.35	.288	.80
Dyer	3.35	.288	.80
Giles	3.35	.288	.80
Hamilton	3.70	.318	.88
Haywood	3.35	.288	
Henry	3.48	.299	
Knox	3.80	.327	
Lawrence	3.20	.275	
Lincoln	3.70	.318	.88
Madison	3.35	.288	.80
Marshall	3.35	.288	.80
Obion	3.35	.288	
Putnam	3.35	.288	
Robertson	3.30	.284	
Rutherford	3.50	.301	
Shelby	3.85	.331	
Sullivan	3.70	.318	.88
Sumner	3.35	.288	.80
Warren	3.35	.288	
Wilson	3.35	.288	

SEC. 18. *Table of alternative maximum prices payable to certain producers by purchasers of "milk" whose bottling plants are located in counties not named in section 17, in the State of Tennessee.*

Retail home delivered maximum price in quart glass containers	Maximum price per hundredweight 4 percent milk F. O. B. plant	Maximum price per gallon 4 percent milk F. O. B. plant	Maximum price per lb. butterfat F. O. B. plant
$0.15	$3.70	$0.318	$0.88
.14	3.35	.288	.80
.13	3.15	.271	.755

SEC. 19. *List of Atlanta Regional Office adjustment orders under MPR 329 which apply to purchasers of "milk" in Tennessee and which remain in effect.*

Regional Docket No. IV-329	Purchaser's name and address	Maximum price per cwt., f.o.b. plant	Date of issue	Date of effect	Producers affected
402(C)-4	Ideal Dairy, Milan	$4.28	6-7-44	3-1-44	W. A. Presley.
408-5	Norris Creamery, Norris and Harriman.	3.40	5-6-43 7-27-43	4-1-43 7-29-43	As specified in order.
415(B)-18	Tuell Dairy Co., Columbia	3.55	12-29-44	11-14-44	13 named producers.
408(C)-40	Pet Dairy Products Co., Johnson City.	[1] 1.36 [2] 1.38	6-29-44	6-29-44	Henderson County Milk Producers Coop. Asso.

[1] Per gallon, payable between April and August, inclusive.
[2] Per gallon, payable between September and March, inclusive.

This order may be revoked, amended or corrected at any time.

This order shall become effective April 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

Approved for producer prices only.

L. T. WELLS,
In Charge Southern Field Office, Dairy and Poultry Branch, Office of Market Services, War Food Administration.

[F. R. Doc. 45-6621; Filed, Apr. 24, 1945; 4:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-1017, 70-1018]

UNITED GAS IMPROVEMENT CO., AND PHILADELPHIA ELECTRIC CO.

ORDER GRANTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of April 1945.

In the matters of the United Gas Improvement Company, File No. 70-1017 and Philadelphia Electric Company, File No. 70-1018.

The United Gas Improvement Company ("U. G. I."), a registered holding company, having filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder regarding the sale by U. G. I. of all the outstanding capital stock of Chester County Light and Power Company, consisting of 5,850 shares of common stock (par value $100 per share), to Philadelphia Electric Company ("P. E.") for a cash consideration of $614,881.88, and

P. E. having filed an application and amendments thereto pursuant to sections 9 (a) and 10 of the act regarding the acquisition of these securities; and

A consolidated public hearing having been held upon said declaration and application and amendments thereto, after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein,

It is hereby ordered, Pursuant to the applicable provisions of said act, that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith, and the aforesaid application, as amended, be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-6646; Filed, Apr. 25, 1945; 2:48 p. m.]

[File No. 70-1022]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of April, A. D. 1945.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (d) thereof and Rules U-42 and U-44 promulgated thereunder, wherein Consolidated proposes to sell its entire investment in Florida Public Utilities Company ("Florida") consisting of 71,550 shares of common stock, par value $10 per share (the total of such securities outstanding), to J. L. Terry, of Princeton, New Jersey, for a base cash consideration of $1,178,000; and Consolidated proposing to employ the cash proceeds to retire a corresponding portion of its debt obligations;

A public hearing having been held upon this declaration after appropriate notice, and the Commission having considered the record and having made and filed its findings herein;

It is hereby ordered, That said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24 and to the following terms and conditions:

(1) That Consolidated shall not solicit or cause to be solicited any individual bondholders regarding the sale of any of Consolidated's Collateral Trust Bonds to Consolidated;

(2) That any purchasers by Consolidated of its Collateral Trust Bonds shall not be directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(3) That Consolidated shall furnish to the Commission promptly after the last day of each month a schedule showing for each day covered by such report the number of Collateral Trust Bonds that Consolidated purchased, the prices at which purchased, and the name of the persons through whom purchased or in the case of direct purchases, the name of the persons from whom purchased;

Consolidated having requested that this order conform to the requirements of sections 373 (a), 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended;

It is further ordered and recited that the following transactions authorized and permitted by this order are necessary or appropriate to effectuate the pro-

visions of section 11 (b) of the Public Utility Holding Company Act of 1935, these transactions being:

(1) The sale by Consolidated Electric and Gas Company of the securities owned by it of Florida Public Utilities Company consisting of 71,550 shares of common stock, par value $10 per share, to J. L. Terry for a base cash consideration of $1,178,000;

(2) The employment by Consolidated Electric and Gas Company of the proceeds of said sale to the discharge of debt obligations of Consolidated Electric and Gas Company including Consolidated Electric and Gas Company Collateral Trust Bonds, due August 1, 1957 and August 1, 1962; Southern Cities Utilities Company 5% First Lien and Collateral Trust Bonds, Series A, due April 1, 1958 (assumed by Consolidated Electric and Gas Company); and any short term bank loan undertaken by Consolidated Electric and Gas Company in connection with the retirement of the aforementioned bonds of Southern Cities Utilities Company pursuant to the order of this Commission issued on February 23, 1945, and the order of the United States District Court for the District of Delaware issued on March 20, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-6647; Filed, Apr. 25, 1945; 2:48 p. m.]

[File No. 70-1055]

CENTRAL NEW YORK POWER CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of April 1945.

Central New York Power Corporation, a public utility subsidiary of Niagara Hudson Power Corporation and of The United Corporation, a registered holding company, having filed a declaration and an amendment thereto, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, regarding the proposal of Central New York Power to purchase in the open market from time to time during a period not to exceed one year from the date of this Commission's order permitting the declaration to become effective, part or all of the following non-callable bonds of the corporation, at or below the respective maximum prices indicated:

Title of issue	Principal amount outstanding	Proposed maximum purchase price
Northern New York Utilities, Inc., first lien and refunding bonds, series B, due May 1, 1947 (6%).	$1,292,000	111½% of the principal amount thereof.
Syracuse Lighting Co., first mortgage five percent fifty-year bonds due June 1, 1951.	2,500,000	121% of the principal amount thereof.

and

Said declaration having been filed on March 28, 1945, and having been amended, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings under section 12 (c), or any other applicable provisions of the act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and it is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-6648; Filed, Apr. 25, 1945; 2:48 p. m.]

[File No. 70-819]

INDIANA GAS UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 25th day of April 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its wholly-owned subsidiary, Indiana Gas Utilities Company ("Utilities"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, concerning the acquisition by Aelec of all the assets of Utilities, subject to its existing liabilities, upon the surrender by Aelec, for cancellation, of all the outstanding shares of capital stock of, and claims against, and the subsequent dissolution of, Utilities; and

The Commission having, on March 9, 1944, after notice and hearing, filed its memorandum opinion and order (Holding Company Act Release No. 4934) granting the application and permitting the declaration to become effective; and

The Commission having, by orders dated June 22, August 29, and December 27, 1944, and February 26, 1945, upon the request of applicants-declarants, extended the time for consummating said transaction to and including April 28, 1945; and

Applicants-declarants having, on April 19, 1945, advised the Commission that the parties have been unable to consummate the transaction proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including June 28, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

It is ordered, That the time for consummating said transaction be, and hereby is, extended to and including June 28, 1945.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-6676; Filed, Apr. 26, 1945; 11:10 a. m.]

[File No. 70-1012]

OGDEN CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of April, A. D., 1945.

Ogden Corporation, a registered holding company, having filed a declaration pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935, in which Ogden Corporation, pursuant to the order of the United States District Court for the Northern District of Illinois, Eastern Division, dated January 2, 1940, confirming, under Section 77B of the Bankruptcy Act, the plan of reorganization of its predecessor company, Utilities Power & Light Corporation, proposed to sell at public auction certain shares of Ogden Corporation's $4 par value common stock, representing stock which remained unclaimed by holders of securities of Utilities Power & Light Corporation entitled thereto under said plan of reorganization, and to hold the net proceeds of such sale, together with dividends declared and set apart for payment on such shares, for a six year period for the benefit of such security holders; such funds not claimed within six years after date of such sale to be held by Ogden Corporation as part of its general funds, free of any claim of those previously entitled thereto:

The Commission having, by order dated April 3, 1945 (Holding Company Act Release No. 5701) permitted said declaration to become effective subject to the condition that the proposed sale shall not be consummated until the sales price and the identity of the successful bidder are made a matter of record in this proceeding and a further order entered in the light of the record so completed;

Ogden Corporation having, on April 21, 1945, filed an amendment to the declaration previously filed in these proceedings stating that it has sold at public auction 49,395.92 shares of the said common stock at $4.65 per share for an aggregate price of $229,691.02 to Edward Graff and Norman Asher, jointly, both of Chicago, Illinois, which purchasers represent that they are purchasing said common stock for investment and have no present intention of making a public distribution of the whole or any portion of the shares purchased by them, and said declarant having requested that jurisdiction heretofore reserved over the sales price and identity of the successful bidder be released; and it appearing that there is

no basis for imposing terms and conditions with respect to such matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the sale at public auction of the said common stock of Ogden Corporation be, and the same hereby is, released, and the said declaration, as amended, be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-6675; Filed, Apr. 26, 1945; 11:10 a. m.]

[File No. 70-1068]

AMERICAN POWER & LIGHT CO., AND TEXAS POWER & LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of April, A. D. 1945.

Notice is hereby given that a joint application-declaration and amendment thereto has been filed with this Commission, pursuant to sections 6 (a) (2), 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-45 promulgated thereunder, by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies and American's subsidiary Texas Power & Light Company ("Texas"); and

Notice is further given that any interested person may, not later than April 30, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application-declaration which is on file in the offices of said Commission, for a statement of the transactions therein proposed, which are summarized below:

In order to enable Texas to make certain accounting adjustments required under Rule U-27 of this Commission (the subject of a joint filing concurrently made by Texas and American), American proposes to transfer to Texas 1,500,000 shares of Texas' no par common stock held by American. Texas proposes to cancel the said 1,500,000 shares of common stock and to restate the remaining 2,500,000 shares of its outstanding no par common stock (all owned by American) at $6 per share, thereby creating on the books of Texas a capital surplus of $5,000,000. The capital surplus in the sum of $5,000,000, described above, will be disposed of pursuant to further order or orders of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-6677; Filed, Apr. 26, 1945; 11:10 a. m.]